

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

REGIONS ASSET COMPANY, et al.,)

Plaintiffs,)

) Civil Action No. 2:06-cv-882-MHT

REGIONS UNIVERSITY, INC.)

Defendant.)

DEFENDANT REGIONS UNIVERSITY, INC.'S TRIAL BRIEF

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DEFENDANT'S TRIAL BRIEF

Defendant Regions University, Inc. (hereinafter "Regions University" or the "University") submits the following trial brief, containing, at the Court's request, a summary of the facts relevant to the claims and defenses of the parties in this action. The legal authorities upon which defendant relies are principally set forth in the briefs previously filed by the defendant in support of its motion for summary judgment (Doc. 49 and 103) and its brief filed in opposition to the plaintiffs' cross-motion for summary judgment. (Doc. 115).

INTRODUCTION

In this action, plaintiffs (hereinafter the "Bank") allege infringement and dilution of their registered trademarks in violation of state and federal law. The facts below are organized according to their relevance to the seven factors used

by the Eleventh Circuit in assessing whether or not a particular trademark is likely to cause confusion and thus be an infringing use. These factors are:

1. The type of mark used by the plaintiff;
2. The similarity of the marks;
3. The similarity of the goods or services represented by the marks;
4. The similarity of the retail outlets and the customers served;
5. The similarity of the advertising media used by the parties;
6. Whether the defendant had the intent to infringe; and
7. Any evidence of actual consumer confusion.

The Eleventh Circuit has made it clear that the district court must consider all seven factors in resolving the issue of whether two marks are confusingly similar. See Dippin Dots, Inc. v. Frosty Bites Distribution, LLC, 369 F.3d 1197, 1207 (11th Cir. 2004).

The Bank has sought to distract attention from the application of these seven factors by focusing on its argument that, notwithstanding the dissimilarity of services, the public is likely to believe that the Bank "sponsors" or is "affiliated" with the University because of an alleged public perception that

many colleges or universities adopt the surnames of financial benefactors. Whatever the merits of this argument (and defendant challenges it both factually and legally), it does not supplant application of the multi-factored test for likelihood of confusion. "Sponsorship" or "affiliation" are merely some of the kinds of relationships as to which there may be confusion. Likelihood of confusion must be determined by application of the seven factors.

Applying these factors, defendant Regions University submits that its new name is not likely to cause confusion with the Bank's mark for the following reasons: (1) In adopting "Regions" as its mark, the Bank chose a common English word, descriptive of the Bank's regional presence, and a word widely used by other businesses for the same purposes. The mark is therefore extremely weak. (2) The banking services offered by the Bank and the post-secondary educational services offered by the University are completely dissimilar. (3) The respective marks adopted and used by the parties are dissimilar, as are the logos and color schemes consistently used by the parties in connection with their marks. (4) The parties' retail outlets are different. (5) Parties advertise in different print media and the content of their advertising is dissimilar. (6) The evidence of "confusion" is not confusion of customers of either party at the point of sale or even at the point of a potential

sale; it is merely a hodgepodge of inquiries triggered by curiosity, mostly by Bank employees, that demonstrate that the inquirer was not confused, but rather making a mental distinction between the two uses. (7) Customers employ a high degree of care and sophistication used in deciding to enroll in a post-secondary educational institution and are unlikely to be confused at the "point of sale." (8) The University adopted its new name as descriptive of its educational mission, not with an intent to adopt the good will of the Bank's mark.

I.

FACTS RELEVANT TO INFRINGEMENT CLAIMS

A. Background Facts Leading to University's Adoption of New Name

1. Searching for a Broader School Name Acceptable in the National and Global Market for Online Higher Education

On September 26, 2005, at a meeting of SCU's Board of Regents, Dr. Rex Turner, president of SCU, reviewed the evolution of the school into an online learning institution, and discussed the need for a new name in light of the University's broader market. (Turner depo. at pp. 65-68; Def. Ex. 20). Six years earlier, in 1999, the school had found itself thrust into the national spotlight when it was selected by the U. S. Department of Education to be part of a pilot Distance Education Demonstration Program, along with a handful of other schools, to

assess distance education. (Turner depo. at p. 34; Def. Ex. 36, RU099). See also Master Plan of SCU dated July 2005 at p. 3 (Def. Ex. 145) (discussing plan to expand to 50 states and internationally). Negative connotations associated with the words "Southern" and "Christian," in parts of the country and the world, had created problems for the school in its ability to attract students both nationally and internationally, including Russia and China. (Turner depo. at pp. 156-60; Def. Ex. 20, RU110). Dr. Turner discussed the need for a "for profit type name that is a broad name." (Turner depo. at p. 68; Def. Ex. 20, RU110). He discussed the feasibility of changing the name to "Masters University," which suggested the concept of Jesus being the "Master teacher." (Turner depo. at pp. 69-71; Def. Ex. 20, RU110). A "for profit" school name is not a name similar to some well known commercial business, as the Bank attempts to argue. It is simply shorthand for the kinds of names used by online "for profit" or "proprietary" educational institutions, such as Kaplan University, Walden University or Capelli University. SCU wanted such a name and, accordingly, considered Masters University, Rex University, Turner University, Graystone University, Regal University, Royal University, Providence University and Regions University. (Affidavit of Rex Turner, Doc. 105; Def. Ex. 20). In the School's 2005 Master University Plan, Dr. Turner had similarly

stated that "a new name would give the University an opportunity to better compete with the proprietary institutions - the accredited for profit online universities." (Def. Ex. 145, p. 3) (emphasis added).

2. Choice of Masters University as New Name

On December 16, 2005, the Board again met and discussed the reasons for a name change, including: (1) many colleges and universities have "South" or "Southern" in their name; (2) there was a local university called "South University;" (3) SCU was planning to go to Arizona and Nevada and the SCU name would not work well in those regions; and (4) roadblocks had been created in countries such as China and Russia with "Christian" in the school's name. (Turner depo. at pp. 87-90; Def. Ex. 22). Some board members suggested "Turner University" as an option, in recognition of the founders of the school, Rex and Opal Turner. After much discussion, the Board adopted a motion to give Dr. Turner approval to proceed with getting the Masters University name officially registered as a trademark. (Turner depo. at pp. 89-91; Def. Ex. 22).

On March 17, 2006, the Board adopted a resolution to change the name of the University to "Masters University, Inc." This was done to "increase [the school's] attractiveness to potential students, not just regionally, but also nationally and internationally, and thereby maximize educational opportunities

and achievements" and further assisting the University "in projecting itself as a nationally recognized university of prominence." (Def. Ex. 24). Although some Board members were reluctant to change the name, they understood the need to do so. Dr. Turner stated that the school's mission would not change and that "Masters University represents Jesus, the Master Teacher." (Def. Ex. 23, RU135).

3. Masters University Rejected; Other Names
Considered, Including Regions University

Thereafter, application was made to register the mark "Masters University." The examining attorney, however, refused registration, finding that the mark was merely descriptive of the educational services to be rendered. (Turner depo. at p. 102; Def. Ex. 26). Meanwhile, school officials had also learned of another school, The Master's College of Bible in California. (Turner depo. at pp. 104-05; Def. Ex. 25, RU148). Dr. Turner contacted trademark counsel, Jim Shlesinger, who recommended that they not use the name "Masters University" because Masters College of Bible could contest it. (Turner depo. at p. 109; Def. Ex. 27).

Other names were then considered, including Rex University, Turner University, Regions University, Graystone University, Royal University, Providence University and Regal University. (Turner depo. at pp. 111-13). Each of the names Royal, Regal

and Regions, had some emphasis of prominence. Regions also expressed the theme of the Christian call to go into all the regions of the world.¹ (Turner depo. at p. 114).

4. Reliance Upon Opinion of Trademark Counsel as to Registerability of New Names

Dr. Turner did his own preliminary search as to the availability of these names. He checked them against those listed in the 2006 Higher Education Directory and then on the USPTO website online. (Turner depo. at pp. 116-18). He found numerous names that had the word "Regions" in it, including Regions Café, Regions Hospital and RegionsAir, all denoting a different service. (Turner depo. at p. 118). After doing this "spot" check, he asked Mr. Shlesinger to research the names Rex, Turner and Regions for use in a new name for their university. (Turner depo. at p. 123). He made Mr. Shlesinger aware that there was a bank called "Regions Bank" in the area. (Turner depo. at pp. 136-37).

Mr. Shlesinger sent an e-mail report of his search results to Dr. Turner on July 27. (Def. Ex. 28). He advised that the USPTO might refuse registration of the mark "Turner University" on the grounds of likelihood of confusion with one or more of the registered marks for educationally-related companies associated with Ted Turner, including "Turner Learning," "Turner

¹ 2 Corinthians 10:16 refers to Paul's hope "to preach the gospel in the regions beyond you," (KJV; Turner depo. at p. 202-03).

South," and "Turner Adventure Learning." He advised that the mark "Regions University" appeared to be registerable, as well as "Rex University," for educational services, namely providing instruction at the university level. He identified some eight other registered marks employing variations of the term "Regions" for various educational services. In his opinion, however, these marks were either weak on their face, due to their use in a geographic context, or were otherwise different in spelling, pronunciation or meaning. He advised that the sophistication of the consumer of higher educational services also reduced the likelihood of any confusion. (Def. Ex. 28).

5. Selection of Regions University as New Name
Suggestive of School's Educational and
Religious Mission to All the World

The University's policy review team met later about the name change to "Masters University." Dr. Turner reported that trademark counsel had recommended against a name change to Masters University and presented a copy of Mr. Shlesinger's e-mail opinion as to the registerability of Rex University and Regions University. (Turner depo. at p. 109; Def. Ex. 27). The policy team members all agreed that a change of name to "Regions University" would be appropriate for two reasons: (1) the school's heritage and mission involved going into all the "regions" of the world and (2) as a distance learning center offering on-line instruction, it was reaching all the "regions"

of the United States and going into other "regions" of the world. (Def. Ex. 27).

At another Board meeting on July 28, Dr. Turner presented Mr. Shlesinger's e-mail opinion, the background on Masters University and the need to look for another name. Although some Board members were in favor of remembering the founder of the institution, they were made aware that "Turner University" had potential registerability issues. (Turner depo. at p. 151). The choice was left between Rex and Regions. The Board finally preferred Regions and adopted a resolution to change the name of the University accordingly. (Turner depo. at pp. 150-51; Def. Ex. 31).

6. Discovery of Bank's Employee Training Program
Called Regions University and Inquiry to
Trademark Counsel

On July 31, 2006, before communicating the name change to the students, Dr. Turner reported the Board's approval of the name change at a meeting of the Executive Leadership Team. (Turner depo. at p. 162; Def. Ex. 32). At that meeting, one of the team members mentioned that he thought that Regions Bank had an internal "Regions University." (Turner depo. at p. 164; Def. Ex. 32). As a dean at another school, he had received an employment application from someone who had put on his resume that he had attended Regions University. Not knowing anything about such a university, he had followed up with the applicant

and discovered that it was an internal bank training program, not an accredited university. (Turner depo. at p. 165).

In light of this information, Dr. White, the University's Director of Institutional Research, contacted Mr. Shlesinger's office and spoke to his partner, Dan Earle, who advised that because the name was used for an internal program within the Bank, it would not pose a registration issue. (Turner depo. at pp. 167-69). He saw "no issue with it." (White depo. at p. 76). The team members "were assured that the industries provided different services, and that the Bank's 'Regions University' was not a public university, and that this would not be a problem." (Def. Ex. 32).

7. Adoption of New Name and Pursuit of National and International Marketing Plan

On August 2, 2006, school personnel were advised of the name change and phone operators began adopting the name Regions University in answering phone calls. (Turner depo. at p. 170). On August 4, the University's application for trademark registration for the name "Regions University," for educational services, was filed. (Def. Ex. 139). On August 8, all enrolled students received an e-mail announcing the name change, explained "as a result of the University's increased presence in the global higher education market and the institution's Christian mission." (Turner depo. at p. 171; Def. Ex. 33). On

August 16, 2006, a more detailed letter was mailed to the students describing the new name change as reflective of the "founders' vision and goal of having a 'school without walls' that could provide quality academic and Christian education to all regions of the world." (Turner depo. at p. 190; Def. Ex. 34).

Consistent with its intent to adopt a name that would appeal to the global higher education market, and consistent with its earlier master plans outlining its expansion goals (Def. Exs. 145 and 146), the University applied for and obtained trademark registration for its new name in Canada, China, the European community and India (Def. Exs. 500-503) and obtained licenses to operate as a post-secondary educational institution in Arizona, Montana, Utah and Idaho (Def. Exs. 691, 692, 699, 700). Such actions are entirely inconsistent with an intent to capitalize on the good will of a bank known only in the Southeast/Midwest regions of this country.

B. Type of Mark Used by Bank

In 1996, First Alabama Bank changed its name to Regions Bank. Its parent corporation, First Alabama Bancshares, Inc., had changed its name to Regions Financial Corporation in 1994 in order to describe its growing regional presence. The Bank's webpage explains that the name was changed "to better reflect its growing presence throughout the South." See

www.regions.com/about_regions/regions_history.rf. (Def. Ex. 546A). A "fact sheet" about its new name similarly explained: "By 1994, its [the Bank's] footprint had expanded to cover seven states, and the more appropriate Regions name was adopted." (Def. Ex. 547). William Askew, who selected the name "Regions" Bank to replace "First Alabama" Bank, testified that the new name connoted the "other parts of the country" that the Bank was moving into. (Askew deposition at p. 17). The mark therefore falls into the category of being descriptive of the Bank's regional presence, and is therefore in the weakest category of marks. Compare Sears, Roebuck & Co. v. Allstate Driving School, Inc., 301 F.Supp. 4, 11 (E.D. N.Y. 1969) ("The mark 'Allstate' is an exceedingly weak mark. It is composed of two words in common usage and might, in addition, be said to be descriptive of the wide geographic dispersion of plaintiff's business.").

The plaintiffs obtained federal trademark registration for the marks "REGIONSBANK" and "REGIONS" for banking services (Class 36) in 1995. (Def. Exs. 271, 398). Since then, all other marks registered by the plaintiff have been for "banking services" (Pl. Exs. 272-79, 399-410), except for "Regions Charity Classic," registered for "entertainment in the nature of a charity golf tournament" (Class 41). (Pl. Ex. 404).

Many third parties have obtained federal trademarks for the mark "Regions" or "Region" for goods or services that are

different from banking services. There are a total of some 61 such live marks, either registered or pending with the USPTO, containing the word "Regions" or "Region" by persons other than the plaintiffs. (Def. Ex. 593). Third party trademark registrations using the words "Region" or "Regions," as the Bank uses it, without reference to a specific geographical region, include:

- 1) Mark: REGIONS BEYOND INTERNATIONAL, Registration No. 3,103,534, for missionary services, namely, ministerial services provided in Africa, Eastern Europe and Asia (Def. Ex. 504)

This mark is in use. See Affidavit of Stephen J. Stricklin (Def. Ex. 594) and www.regionsbeyond.org. (Def. Ex. 552)

- 2) Mark: REGIONSAIR, Registration No. 3,047,007, for air transportation of persons, property and mail (Def. Ex. 505)

This mark has been in use until this year when the FAA restricted the company from flying. See Affidavit of Pauline Holder regarding Domain Names (Def. Ex. 589) and www.regionsair.com. (Def. Exs. 549, 550)

- 3) Mark: CARE IN REGIONS, Registration No. 2,960,732, for charitable fundraising services, etc. (Def. Ex. 506)

This mark is in use. See www.thrivent.com/fraternal/chapterprograms/index.htm. (Def. Ex. 583)

- 4) Mark: THE REGION'S HOME PAGE, Registration No. 2,821,459, for online computer services, etc. (Def. Ex. 507)

- 5) Mark: REGIONS, Registration No. 2,175,755, for medical services, namely, health care services, hospital services, and in-patient, out-patient and surgery room care (Def. Ex. 508)

This mark is in use. See Holder affidavit re: Domain Names (Def. Ex. 587) and www.regionshospital.com. (Def. Ex. 559)

- 6) Mark: REGIONS HOSPITAL, Registration No. 2,164,789, for medical services, namely, health care services, hospital services, and in-patient, out-patient and surgery room care (Def. Ex. 509)

This mark is in use. See Holder Affidavit (Def. Ex. 587) and www.regionshospital.com. (Def. Ex. 509)

- 7) Mark: REGIONS CAFÉ A WORLD OF DINING & DESIGN, Registration No. 1,502,627, for restaurant services (Def. Ex. 510)

This mark is in use. See Holder affidavit (Def. Ex. 587) and www.martplaza.com/dining.cfm (Def. Ex. 584)

- 8) Mark: REGIONSERV, Registration No. 3,001,159, for telecommunications services for business and residential customers, etc. (Def. Ex. 511)

This mark is in use. See www.bellsouth.com/areacode/731. (Def. Ex. 585)

- 9) Mark: REGION (& DESIGN), Registration No. 2,583,861, for clothing, etc. (Def. Ex. 512)

This mark is in use. See Holder affidavit (Def. Ex. 587) and www.regionusa.com. (Def. Ex. 586)

- 10) Mark: BLUE REGION, Registration No. 3,120,186, for wireless telephone services (Def. Ex. 513)

This mark is in use. See www.centennialwireless.com.

- 11) Mark: REGIONWISE, Registration No. 3,076,478, for public policy research services (Def. Ex. 514)

This mark is in use. See Holder affidavit (Def. Ex. 587) and www.regionwise.com. (Def. Ex. 581)

Other third party applications are also pending before the USPTO which contain the term "Regions", used non-geographically. These include the following:

- 1) Mark: REGIONS, Application Serial No. 76/242,955, for wine. Date of Application: 4/17/01. Date of Publication: 9/7/04. (Def. Ex. 515)²
- 2) Mark: REGIONS FOUNDRY, Application Serial No. 77/066,517, for faucets; shower and tub fixtures, etc. Date of Application: 12/18/06. Date of Publication: 7/10/07. Date of Notice of Allowance: October 2, 2007. (Def. Ex. 516, 517)

This mark is in use as a house brand. See www.afccorp.net/brands.htm. (Def. Ex. 548)

- 3) Mark: REGIONS SPECIALTY COFFEE (STYLIZED), Application Serial No. 76/678,650, for coffee sold in whole bean and ground form. Date of Application: 6/25/07. Date of Publication: 11/6/07. (Def. Ex. 518)

Plaintiffs filed no opposition to any of the preceding registered marks nor any of the pending applications for mark registration. At present, the mark "REGIONS" for medical services, the mark "REGIONS HOSPITAL" for medical services, the mark "REGIONS CAFÉ, A WORLD OF DINING," for restaurant services, and the mark "REGION" for clothing are incontestable marks.

The descriptive nature of the mark "Region" or "Regions" is demonstrated by the extensive third party use of those words, not only in federally registered trademarks, as summarized above, but also in corporate and LLC business names throughout

²This application has been recently withdrawn. (Pl. Ex. 1027).

the Bank's sixteen state footprint. In the State of Alabama alone, some 100 corporations or LLCs have been incorporated, organized or registered with the mark "Region" or "Regions" as part of their name. (Def. Ex. 588). Among these, some 12 businesses have used or currently use the word "Region" or "Regions" without reference to a particular geographical region:

<u>Name of Organization</u>	<u>Date of Organization/ Incorporation</u>	<u>Date of Dissolution</u>
Regions Construction Company, LLC	01/30/2004	
Regions Homes, Inc.	01/28/1999	
Regions Propane-Alabama, LLC	01/26/1999	
Regions Propane-Chattanooga, LLC	02/03/2004	
Regions Propane-South Carolina LLC	01/26/1999	
Regions Real Estate, Inc.	08/08/2005	09/20/2005 ³
Regions South Properties, LLC	03/15/2000	
Region 2020, Inc.	07/25/1997	
Region Builders Construction Services, Inc.	12/06/2005	
Region Computer Services, Inc.	01/18/2000	
Region Enterprises, Inc.	06/23/1970	11/03/1977
Sun Region Land Group, Inc.	09/22/1983	10/03/1999

Additionally, in the other 15 states where Regions Bank does business, the websites for the respective Secretaries of

³ This business is still active. See Stricklin Affidavit. (Def. Ex. 594)

State of those states reflect the registration, organization or incorporation of at least 160 businesses that use the word "Region" or "Regions" without reference to a specific geographical area. (Def. Ex. 589). A listing of these businesses is attached as Exhibit A.

There are also hundreds of domain names that contain the word "Region" or "Regions." Some 98 of these domain names identify active businesses or organizations using these words as part of their name. (Def. Ex. 587).

Independent investigation through telephone contact has confirmed the current or nearly current existence of some 75 businesses or organizations employing the mark "Region" or "Regions" without reference to a particular geographical region. In Alabama, for instance, the following companies' existence and use of their trade name has been confirmed:

1. Regions Construction Company, a construction company located in Harvest, Alabama and in business since 2004 with annual revenues of approximately \$300,000. (Def. Ex. 594).

2. Regions Pest Control in Trafford, Alabama, which has operated for some ten years, providing pest control services in Blount, Shelby, Jefferson and Walker Counties with annual sales of approximately \$300,000 to \$400,000. (Def. Ex. 594). Regions Pest Control is listed in the AT&T yellow pages for the Greater Birmingham area. (Def. Ex. 651).

3. Regions Propane, which had six branches located in the four corner region of Alabama, Georgia, Tennessee and North Carolina, with annual sales of some \$2M, and which operated as Regions Propane from 1997 until sometime in 2004 at which time the name was changed to Thompson Gas, LLC, after the surname of its new owner. (Def. Ex. 594).

4. Regions Real Estate, offering real estate brokerage and agency services in Baldwin County since 2005. (Def. Ex. 594).

5. Region Computer Services, Inc., which operated in Mobile, Alabama for about a year in 1997-1998. (Def. Ex. 594).

6. Region 2020, Inc., a Birmingham-based non-profit organization incorporated in 1997, and dedicated to improving the quality of life in central Alabama. (Def. Ex. 572). (Depo. of Neal Berte).

In other states where the Bank does business, some 69 businesses or organizations have so far been confirmed to be in existence, doing business and using the mark "Region" or "Regions" without reference to a particular geographical area. (Def. Exs. 594-96, 701). Several of these businesses have Regions Bank accounts and/or do business with the Bank. With one or two exceptions, the Bank has never contacted or objected to any of these businesses before this litigation commenced. The following is a sampling of these:

1. **Regions Community Behavioral Health Center** in Louisiana which has three out-patient mental health facilities and some 40 employees, is listed in the AT&T yellow pages for Baton Rouge, Louisiana (Def. Ex. 659) and at www.yellowpages.com, and is listed in the Dun and Bradstreet ("D&B") listings at www.westlaw.com. (Bender Affidavit at p. 7; Holder Affidavit re: Business Listings, Exs. A and B.). (Def. Exs. 596, 603, 604, 605).

2. **Regions Land and Investments, Inc. d/b/a/ Regions Realty** in Georgia, in business since 1997, employing some six agents, with annual sales of some \$3 Million, advertising in the AT&T yellow pages for the Greater Atlanta area and for Athens, Georgia (Def. Exs. 657, 658), and through signage, and is listed in the D&B

listings at www.westlaw.com. (Bender Affidavit at p. 4; Holder Affidavit re: Business Listings, Ex. G.). (Def. Exs. 596, 603, 610). See webpage at regionsrealty.com. (Def. Ex. 565).

3. **Regions Facility Services**, operating in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee, with annual sales of some \$3 Million, two offices and some 20+ employees, providing service and labor to restaurants, and advertising in the AT&T yellow pages for Hernando County, Florida (Def. Ex. 653) and at www.yellowpages.com, www.superpages.com, and www.yp.com, and listed in the D&B listings at www.westlaw.com. (Stricklin Affidavit at p.13; Holder Affidavit re: Business Listings, Exs. A-C, E and G.). (Def. Exs. 594, 603, 604-06, 610). See webpage at regionsfacilityservices.com. (Def. Ex. 561).

4. **Regions Propane**, which operated under that name from 1997 until 2004, with six branches in Alabama, Georgia, Tennessee and North Carolina, employing some 25 people and listed in www.yellowpages.com and www.superpages.com. (Stricklin Affidavit at p. 3; Holder Affidavit re: Business Listings, Exs. B, C.). (Def. Exs. 594, 603, 605, 606).

5. **Regions Hospitality** in Georgia, providing hospitality management at hotels, operating in Georgia, Florida, South Carolina and Arkansas, with some 250 employees and advertising in www.superpages.com. (Stricklin Affidavit at p. 15; Holder Affidavit re: Business Listings, Ex. C.). (Def. Exs. 594, 603, 606).

6. **Regions Development Group** in Tennessee, a real estate development company with some \$18 Million to \$20 Million in annual sales. (Stricklin Affidavit at p. 29). (Def. Ex. 594).

7. **Regions Oil and Gas** in Texas, a publicly traded oil and gas exploratory company (RGNO) with operations in Texas, Oklahoma and Louisiana. (Bender Affidavit at p. 9.). (Def. Ex. 596). See website at regionsoil.com. (Def. Ex. 563).

8. **Regions Contractors**, operating in Florida, Arkansas and Tennessee, with some 22 employees,

advertising in the AT&T yellow pages for Tallahassee, Florida and Pensacola, Florida (Def. Exs. 654, 655) and at www.realpageslive.com, www.yellowpages.com, www.superpages.com, www.yp.com, listed in the D&B listings at www.westlaw.com. (Stricklin Affidavit at p. 11; Holder Affidavit re: Business Listings, Exs. A-C, E, and G.). (Def. Exs. 594, 603, 604-06, 608, 610). See webpage at regionscontractors.com. (Def. Ex. 554). A D&B company profile identifies annual sales of \$8M. (Def. Ex. 625).

9. **Regions Van Lines** in Miami, Florida, with annual sales of some \$2 Million (as per D&B report) and some 15 employees. (Stricklin Affidavit at p. 14; Holder Affidavit re: Business Listings, Ex. G.). (Def. Exs. 594, 603, 610, 646). See website at www.regionsvanlines.com. (Def. Ex. 551).

10. **All Regions Services f/k/a All Regions Forestry**, a reforestation and nursery business in Louisiana, with annual sales of \$500,000 to \$600,000, and operations in Arkansas, Louisiana, Maine, Mississippi and Wisconsin, and listed in the D&B listings at www.westlaw.com. (Stricklin Affidavit at p. 24; Holder Affidavit re: Business Listings, Ex. G.). (Def. Exs. 594, 603, 610). See also D&B company profile for All Regions Forestry. (Def. Ex. 638).

11. **Regions Construction** in Mississippi, also doing business in Louisiana and Tennessee, which has operated under that name for some fifteen years and which is listed in the D&B listings at www.westlaw.com. (Stricklin Affidavit at p. 25; Holder Affidavit re: Business Listings, Ex. G.). (Def. Exs. 594, 603, 610).

12. **Regions Insurance Consultants, Inc.** in Miami, Florida, incorporated in March of 2000, selling insurance products in the Miami area. (Stricklin Affidavit at p. 14. (Def. Ex. 594).

13. **Regions Communications, Inc.** in Crown Point, Indiana, in the business of printing publication material and using the name since February of 2002, with annual sales of approximately \$300,000 and advertising through the local Chamber of Commerce and magazine ads. (Stricklin Affidavit at p. 18). The

company webpage is at www.region-communications.com. (Def. Ex. 569).

14. **Regions Wholesale Battery** in Baton Rouge, Louisiana, selling and buying used batteries and listed in the AT&T yellow pages and online at www.superpages.com, as well as a company profile with Dun & Bradstreet. (Stricklin Affidavit at p. 22; Holder Affidavit re: Business Listings, Ex. A, C and G. (Def. Exs. 594, 603, 604, 606, 610). See also Defendant's Exhibit 619 (D&B company profile).

15. **Regions Security Insurance** in Denham Springs, Louisiana, selling home and automobile insurance in the Baton Rouge-New Orleans area, and advertising in newspapers and in the AT&T yellow pages for Denham Springs-Walker, Louisiana. (Stricklin Affidavit at p. 23; Supplemental Stricklin Affidavit at p. 1). (Def. Exs. 594, 595). See AT&T yellow pages listing (Def. Ex. 660) and D&B company profile. (Def. Ex. 620).

16. **Regions Claim Management Group, LLC** in Charlotte, North Carolina, a claim adjustment company doing business in some thirty counties in both North and South Carolina. (Stricklin Affidavit at p. 27). (Def. Ex. 594).

17. **Regions Forest Services, LLC** in Montecello, Arkansas, a timber buying and selling business operating under that name for some five years. (Bender Affidavit at p. 3). (Def. Ex. 596).

18. **Regions Title, LLC** in Boca Raton, Florida, a title company using that name for some two years. The company is listed in www.yellowpages.com. The company often does real estate closings for Regions Bank. (Bender Affidavit at p. 4; Holder Affidavit re: Business Listings, Ex. C). (Def. Exs. 596, 603, 606).

19. **Regions Real Estate Services, Inc.** in Charlotte, North Carolina, a real estate brokerage business in the Charlotte area, operating under that name for some eight years. The company advertises in the AT&T yellow pages and has a company profile with Dun & Bradstreet and is listed in www.yellowpages.com. (Bender Affidavit at p. 8; Holder Affidavit re: Business Listings, Exs. A, B). (Def. Exs. 596, 603,

604, 605). See also AT&T listing in yellow pages (Def. Ex. 662) and D&B company profile. (Def. Ex. 621).

Other "Regions" businesses with federally registered trademarks and located in the Bank's sixteen state footprint (except for "Regions Hospital") include:

1. **Regions Café** in Chicago, Illinois, which has had a **federally registered trademark "REGIONS CAFE"** for restaurant services since 1988, employs some 40 people, advertises in the yellow and white pages and at www.restaurant.com, with annual sales of \$1,500,000. (Bender Affidavit at p. 5.). (Def. Ex. 596).

2. **Regions Hospital** in St. Paul, Minnesota, with **federally registered marks "REGIONS" and "REGIONS HOSPITAL"** for hospital services. Regions Hospital is a full service private hospital in St. Paul, Minnesota with annual revenues in excess of \$400 Million See www.regionshospital.com (2005-2006 fact sheet). (Def. Ex. 559).

3. **RegionsAir, Inc.** in Smyrna, Tennessee, with a **federally registered mark REGIONS AIR** for air transportation, a regional passenger airline. Although this company was forced to suspend operations by the FAA in 2007, it has had annual sales of some \$24 Million and some 200 employees, operating a total of five carriers, with flights to Illinois, Iowa, Kentucky, Missouri and Tennessee. (Def. Exs. 549, 550, 612). It has a listing in the current AT&T yellow pages for Marietta, Tennessee. (Def. Ex. 664).

Additionally, "Regions" is a particularly weak and commonly used mark for non-profit religious institutions (like the University) in the Bank's footprint, including:

1. **Regions Christian Center**, a church in Texarkana, Texas, listed at www.yellowbook.com. (Bender Affidavit at p. 9; Holder Affidavit re: Business Listings, Ex. F.). (Def. Exs. 596, 603, 609). See

website at www.regionschristiancenter.org. (Def. Ex. 558).

2. **Regions Beyond, Inc.** in Jacksonville, Arkansas, which publishes Christian literature and a monthly publication entitled "Regions Beyond." (Bender Affidavit at p. 2, Ex. 1). (Def. Ex. 596). See website at www.regbeyond.com. (Def. Ex. 553).

3. **Regions Beyond Ministries, Inc.** in Columbus, Georgia, a Christian mission outreach. Listed at www.yp.com and in the D&B listings at www.westlaw.com. (Stricklin Affidavit at p. 16; Holder Affidavit re: Business Listings, Exs. E and G.). (Def. Exs. 594, 603, 608, 610).

4. **Regions Beyond International**, a missionary organization based in Tallahassee, Florida with a **federally registered trademark "REGIONS BEYOND INTERNATIONAL."** Listed in the D&B listings at www.westlaw.com. (Stricklin Affidavit at p. 10; Holder Affidavit re: Business Listings, Ex. G.). (Def. Exs. 594, 603, 610). See website at www.regionsbeyond.org. (Def. Ex. 552).

A line of commercial carpeting styled "Regions" is manufactured by Mannington Commercial. (Def. Exs. 592).

Many of the above companies, as well as numerous others, have telephone listings in the current telephone directories published by AT&T (Def. Exs. 648-667) and/or are listed online at www.yellowpages.com, www.superpages.com, local.yahoo.com, yp.com and/or www.yellowbook.com. See Holder Affidavit re: Business Listings, Exs. A-F. (Def. Exs. 603-609).

Numerous Dun & Bradstreet reports also confirm the active nature of many of these businesses. See Affidavit of Pauline

Holder re: Business Listings, Ex. G. (Def. Ex. 603, 610), and D&B company profiles. (Def. Exs. 611-647).

Most of these third party usages of "Regions" or "Region" have sprung up in the last fifteen years. For most of this time, plaintiffs have acknowledged they were not actively policing their marks. Samuel E. Upchurch, Sr., the Bank's general counsel from 1994 until 2004, with direct responsibility for enforcement of the marks, has testified that during his tenure, the Bank did not proactively search for businesses using their "Regions" mark. (Upchurch depo. at pp. 8, 14-15, 26). The Bank's activities were described by Mr. Upchurch as "reactive as opposed to proactive." (Upchurch depo. at p. 15). An effort to enforce the mark was made only if someone brought a possible infringement to the legal department's attention. (Upchurch depo. at p. 14). When a similar name did come to the Bank's attention, it would not object where that business was not in the financial services sector. For instance, in March of 1999, Mr. Upchurch wrote to Regions Propane, stating that, at the present time, "I do not foresee any problems with your company's use of Regions in the name of your business." However, he wrote, if the Bank ever entered into the propane business, the Bank would then seek to enforce its right to "Regions." (Upchurch depo. at p. 12; Def. Ex. 109).

Only after the University filed its investigators' affidavits, detailing third party use, did the Bank finally arise from its slumber and send out a flurry of cease and desist letters to many of these businesses. In September of 2007, claiming the businesses' use of "Regions" was infringing upon and diluting its mark, the Bank issued cease and desist letters to the following businesses:

Regions Development Group, LLC in Collierville, Tennessee (incorporated since 10/30/03);

Region Survey in Kansas City, Missouri (using name for three years) (Def. Ex. 594);

Regions Land and Investments, Inc. d/b/a Regions Realty in Colbert, Georgia (incorporated since 1/16/97);

Regions Claim Management Group, LLC in Charlotte, North Carolina (incorporated since 10/11/06);

Incom Properties, Inc. operating "Regions Center" in West Palm Beach, Florida;

Regions Real Estate in Elberta, Alabama (incorporated since 8/8/05);

Regions Real Estate Services, Inc. in Pineville, North Carolina (incorporated since 2/23/99);

Regions Properties, LLC in Peachtree City, Georgia (organized since 1/16/04);

Regions Van Lines, Inc. in Miami Beach, Florida (incorporated since 1/2/07);

Regions Construction Company in Harvest, Alabama (incorporated since 1/30/04);

Regions Security Insurance in Baton Rouge, Louisiana (trade name first used on 7/15/96);

Regions Contractors, Inc./Regions Development Limited Company in Atlanta, Georgia (incorporated since 5/30/03);

Regions Title, LLC in Boca Raton, Florida (organized on 2/9/05).

(Pl. Ex. 350, RAC41386-41441; Def. Ex. 589).

The Bank has known for years about many of these businesses, yet it took no action until after they were also identified by the University in this litigation. As early as 2002, names of many of these businesses had been identified on trademark research reports or watching service reports commissioned by the Bank and reviewed by its trademark counsel. (Mehlman deposition at p. 58). For instance, "**Regions Security Insurance**" and "**Regions Real Estate Services**" were identified in a Trademark Research Report dated 3/8/02. (Def. Ex. 680, RAC18990). "**Regions Land and Investments, Inc.**" was identified in a Trademark Research Report dated 9/13/02. (Def. Ex. 687, RAC20117). "**Regions Contractors**" was identified in a Watching Service Report dated 3/15/04. (Def. Ex. 108, RAC31283). The domain names for "**Regions Van Lines**" (regionsmoving.com and regionsvanlines.com) were identified on a Watching Service Report dated 12/12/06. (Def. Ex. 108, RAC31868, 31859). **Regions Construction Company** in Harvest, Alabama had previously been sent a cease and desist letter some three years ago, on June 18, 2004 (Def. Ex. 675), yet the Bank did nothing in

response to that company's continuing to do business under that name until after this litigation commenced. A cease and desist letter was sent to **Regions Propane** in March of 2000 (Def. Ex. 602) and to **Regions Community Behavioral Health Center** in July of 2005 (Def. Ex. 678). Those businesses, however, continued to operate under those names. (Regions Propane was changed to the surname of its new owner in 2004). See Bender Affidavit at p. 7 (Def. Ex. 596) and Stricklin Affidavit at pp. 3-4 (Def. Ex. 594).

Numerous other companies employing the word "Regions" or "Region" in their business name, and identified by the University in this litigation as an active business, have also come to the Bank's attention through the years, and it did nothing to stop these uses. See Watching Service Report dated 2/20/03, identifying "**Region Sports Network**" in Indiana and "**Regions Wholesale Battery**" in Louisiana (Def. Ex. 108, RAC31771, 31774); Watching Service Report dated 3/10/03, identifying "**Region Design Group, Inc.**" in Indiana (Def. Ex. 108, RAC31742, 31750); Watching Service Report dated 3/26/03, identifying "**Regions Pest Control**" in Alabama (Def. Ex. 108, RAC31730); Watching Service Report dated 4/29/03, identifying "**Region Security Protection**" in Louisiana (Def. Ex. 108, RAC31634); Watching Service Report dated 6/4/03, identifying "**Region Fence**" in Illinois (Def. Ex. 108, RAC31672); Watching

Service Report dated 8/4/03, identifying **"Region Communications, Inc."** in Indiana (Def. Ex. 108, RAC31590); Watching Service Report dated 8/22/03, identifying **"Region Signs, Inc."** in Indiana (Def. Ex. 108, RAC31333); Watching Service Report dated 10/21/03, identifying **"Region Real Estate, Inc."** in Indiana and **"Regions Beyond International"** in Florida (Def. Ex. 108, RAC31508, 31509); Watching Service Report dated 11/18/03, identifying **"Region Metals, Inc."** in Illinois and **"Regions Community Behavioral Health"** in Louisiana (Def. Ex. 108, RAC31550); Watching Service Report dated 12/7/03, identifying **"Regions Facility Services, Inc."** in Florida (Def. Ex. 108, RAC31489); Watching Service Report dated 3/16/04, identifying **"Regions Hospital"** in Minnesota (Def. Ex. 108, RAC31469); Watching Service Report dated 5/11/04, identifying **"Region Electric, Inc."** in Indiana (Def. Ex. 108, RAC31352); Watching Service Report dated 6/22/04, identifying **"Region Medical Equipment, LLC"** in Missouri (Def. Ex. 108, RAC31390); Thompson & Thompson USPTO Official Gazette Watch Notice dated 9/10/04 identifying opposition deadline of 10/7/04 for federal trademark registration of **"Regions" for wine** (Def. Ex. 108, RAC31440); Watching Service Report dated 1/12/05, identifying **"Regions Beyond Ministries, Inc."** in Georgia (Def. Ex. 108, RAC31378); Trademark Research Report dated 12/21/94 listing **"Region Realty"** as a registered trademark in Louisiana (Def. Ex. 682, RAC21876);

Trademark Research Report dated 3/20/96 listing "**Region Enterprises, Inc.**" in Fort Worth, Texas and "**Region South Enterprises, Inc.**" in Florida (Def. Ex. 684, RAC19706); Trademark Research Report dated 3/21/02 listing "**Region First Realty**" as a registered trademark in Tennessee (Def. Ex. 686, RAC17614).⁴

The clear inference to be drawn from the co-existence of these many third party businesses and the Bank, for so many years, and the Bank's failure to do anything about it, is that consumers do not confuse the Bank with these other businesses and the Bank is suffering no harm by this third party use.

The present action is the first lawsuit the plaintiffs have ever filed against any third party for alleged infringement of its mark.

The Bank's "Regions" mark is further weakened by the ubiquitous use of the adjectival form of the mark, "regional." In Alabama alone, there are some 100 non-dissolved corporations or LLCs with business names commencing with the word "Regional." (Def. Ex. 668). A number of these are within the Bank's own financial service sector, including **Regional Acceptance**

⁴The Bank discounts third party use of the word "Region" instead of "Regions," claiming that this singular form of the mark does not detract from the strength of its mark "Regions." This position, however, is belied by its own conduct in licensing the use of the name "Region 2020" after asserting that the name was likely to cause confusion with its "Regions" mark. (Upchurch deposition at pp. 16-18; Def. Ex. 110), and in asserting a likelihood of confusion in cease and desist letters to companies like "Region Realty" (Def. Ex. 677).

Corporation, **Regional Automotive Credit Corporation**, **Regional Finance Corporation of Alabama**, **Region Financial Services, LLC**, **Regional Insurance Services Company, LLC**, and **Regional Mortgage, Inc.** If such a list were expanded into the other fifteen states in which the Bank does business, it would presumably be more than a thousand businesses using the mark "Regional." The Bank has acknowledged a "confusing similarity" between its mark "Regions" and the use of the word "Regional" by other financial companies, in issuing a series of cease and desist letters to such companies, including **Regional Financial Services** of Lafayette, Inc. of Lafayette, Louisiana (Def. Ex. 669), **Regional Mortgage Corporation of Florida, Inc.** of Akron, Ohio (Def. Ex. 670), **Regional Mortgage Services, LLC** of Baton Rouge, Louisiana (Def. Ex. 671), **Regional Holding Company, Inc.** of Kansas City, Missouri (Def. Ex. 672), and **Regional Mortgage, Inc.** of Cleveland, Ohio (Def. Ex. 673). It has also filed opposition to the trademark application by **Regional Acceptance Corporation**, for the mark "Regional" to describe its "financial services, namely consumer and installment loans," on the grounds that such mark will so resemble the Bank's marks as to be likely to cause confusion or deceive. (Def. Ex. 674, p. 3).

Thus, even within the financial sector, there is a wide use of similar names, further demonstrating the weakness and lack of distinctiveness of the mark "Regions."

C. Similarity of Marks

The Bank employs the following mark, color scheme and logo in describing its banking services:



(Def. Ex. 103)

The defendant uses the following mark, color scheme and usually one of the accompanying logos described below:



(Def. Ex. 75)

First of all, the plaintiffs' mark, REGIONS BANK, differs from Defendant's mark, REGIONS UNIVERSITY, in sight, sound, and meaning. The use of the words "Bank" and "University" in the

respective marks explicitly indicates to consumers very different kinds of services associated with each. These two words ("Bank" and "University") also have significant differences in sight, sound, and meaning. The word "Bank" has one syllable and four letters. The word "University" has five syllables, more syllables than the number of letters in the word "Bank", and ten letters, more than double the number of letters in the word "Bank". The only common letter between these two words is the letter "n". The University's type style is ITC Chelthan; the Bank's is close to Times Roman. In sight, and sound, the differences between these words are obvious and significant.

Further, plaintiffs and defendant each use their marks in connection with differing color schemes and logos. Plaintiffs have historically stylized the mark, REGIONS BANK, as well as the mark, REGIONS, in one of several ways: (1) with a double-tailed "g" on the word Regions (Def. Ex. 2), (2) with a three-leaved plant emblazoned on a triangle either at the end of the word or directly above it (Def. Ex. 3) and, currently, (3) with four spikes of a sunburst dividing a triangle located beside the mark (Ex. 103). In contrast, the University uses a stylized "V" in "University" that carries a flying banner across the top of the letter and is usually accompanied with a globe design logo preceding the mark, REGIONS UNIVERSITY (Def. Ex. 75), which

communicates a global reach to defendant's services. The plaintiffs use shades of green on their current mark (Def. Ex. 103) and the University uses a red color scheme (Def. Ex. 75). These differences in the shape, color and meaning of the logos are significant, and since the primary word in the marks has weak trademark significance, these differences are sufficient to negate any confusing similarity between the marks. See Freedom Savings and Loan Assn v. Way, 757 F.2d 1176 (11th Cir. 1985), *cert. denied*, 474 U.S. 845, 106 S. Ct. 134 (1985).

The plaintiffs' mark, REGIONS, without the word "BANK", is also sufficiently different from defendant's mark "Regions University" so as to negate any confusing similarity. The plaintiffs consistently and pervasively use the mark, REGIONS, with one of the same logos or stylizations described above. Thus, the overall impression of the mark, REGIONS, has the same major differences from defendant's mark, as discussed above. Further, given the weakness of the mark, REGIONS, even minor variations, such as the addition of another word ("university") or a different logo, are sufficient to negate any confusing similarity. Plaintiffs' success in achieving a degree of public recognition of its mark "Regions" with an accompanying logo design serves to make recognizable any variations from it. See Custom Manufacturing & Engineering, Inc. v. Midway Services, Inc., ____ F.3d ____ 2007 WL 4165634, *8, n. 10 (11th Cir.

Nov. 21, 2007) (likelihood of confusion is reduced by word mark almost always appearing in close proximity with the party's "house brand," citing AutoZone, Inc. v. Tandy Corp., 373 F.3d 786 (6th Cir. 2004)); Choice Hotels Int'l v. Kaushik, 147 F.Supp.2d 1242 (M.D. Ala. 2007), *aff'd*, 260 F.3d 627 (11th Cir. 2001).

The dissimilarity of the marks finds further support in the conclusion of the examining USPTO attorney who approved for publication the University's application for trademark registration of the mark "Regions University" for educational services. After conducting a thorough search of the records, the examining attorney found "no similar registered or pending marks" that would bar registration of the University's application. See Certified copy of Trademark Application File 78/944966. (Def. Ex. 139). Such evidence is probative of the lack of similarity of the marks. See Amstar Corp. v. Domino's Pizza, Inc., 615 F.2d 252 (5th Cir. 1980).

The University does not advertise or market itself using the word "Regions" alone. Although a shorthand reference to the University as "Regions" may be found in some internal statements on its webpage, these statements are always made within the context of a webpage which, on its face, identifies the institution as "Regions University." (Pl. Ex. 1007). The University's website address, www.regions.edu, cannot mislead

the public as to any connection with the Bank. The .edu domain is available only to post-secondary institutions that are institutionally accredited. See www.educause.edu/edudomain/policy.asp. Moreover, the respective websites of the parties are, on their face, easily distinguishable and clearly make the marks dissimilar in the context of those webpages. Compare www.regions.edu (Def. Ex. 141) and www.regions.com.

In arguing a similarity of marks, the Bank relies upon its own internal employee training program which it has denominated "Regions University." However, the Bank does not publish this mark to the general public, but only to its employees who can only access the webpages of this training program by password. (Deposition of Russel Dunman at pp. 19, 39-45, 96). The Bank is not licensed or accredited as a post-secondary institution under the laws of the states in which it does business. See Pretrial Order, Stipulated Fact Nos. 30-32 (Doc. 141). It has never sought or obtained governmental permission to use the word "university" for its training program. See Pretrial Order, Stipulated Fact No. 33 (Doc. 141). Under the laws of at least six states where it does business, it cannot even use the term "university" in advertising or promoting its training program. See § 49-7-2007(4), Tennessee Code; § 20-3-250.7(b), Georgia Code; § 61.3.13(c), Texas Education Code; § 23-276.10, Code of

Virginia; § 1005.03(4), Florida Code; § 59-58-60, South Carolina Code.

The University welcomes the Court's suggestion to physically examine the signage of the respective parties as used in the Montgomery area. The Eleventh Circuit has recently reiterated its rejection of the principle that infringement can be determined in a vacuum; rather, "liability under the Lanham Act is properly tied to the real world context in which the alleged trademark use occurs." Custom Manufacturing & Engineering, Inc. v. Midway Services, Inc., _____ F.3d _____ 2007 WL 4165634, *7 (11th Cir. Nov. 21, 2007). The likelihood of confusion inquiry must consider "the operative facts of the real world" and "the performance of the marks in the commercial context." Id. (quoting Homeowners Group, Inc. v. Home Marketing Specialists, Inc., 931 F.2d 1100, 1106 (6th Cir. 1991)).

D. Similarity of the Services

The plaintiffs offer banking and related financial services, including basic banking services, savings or time deposit accounts, loans, trusts, investments, real estate mortgages, construction lending, real estate lending, private banking, consumer banking, commercial banking, securities, brokerage and insurance services. See Pretrial Order, Stipulated Fact No. 6. (Doc. 141).

The defendant Regions University, Inc., formerly known as Southern Christian University ("SCU"), is a non-profit fully licensed and accredited post-secondary educational institution with a campus in Montgomery, Alabama and a rental facility in Nashville, Tennessee. See Pretrial Order, Stipulated Fact Nos. 36-38. (Doc. 141). The University now has a rental facility in Arizona as well, and is licensed to operate a school in that state, as well as in Montana, Idaho and Utah. (Def. Exs. 691, 692, 699, 700). The University has a School of Human Services, a College of Business, a College of General Studies, a School of Continuing Education, and a School of Theology. See Pretrial Order, Stipulated Fact No. 40. (Doc. 141). Regions University has been accredited by the Southern Association of Colleges and Schools (SACS) to award Associate of Arts, Bachelor of Arts, Bachelor of Science, Master of Arts, Master of Science, Master of Divinity, Doctorate of Ministry and Doctorate of Philosophy degrees. See Pretrial Order, Stipulated Fact No. 37. The University employs some 93 faculty members. (Turner depo. at p. 54).

A head count from Fall 2006 through Summer 2007 was 990 students (Anita Crosby depo. at pp. 19-20). These came from every state in the Union except Minnesota, Massachusetts, New Hampshire and North Dakota. (Turner depo. at p. 97-99; Def. Ex.

17). More than 72% of those students are from places other than Alabama (Def. Ex. 17).

Education through Regions University is essentially online or "distance" learning, although doctoral students attend classes on campus to fulfill residency requirements. (Turner depo. at pp. 31-33).

On their face, the banking and financial services offered by plaintiffs are completely dissimilar and unrelated to the post-secondary educational services offered by defendant. The Bank is not licensed under the laws of any states to operate a post-secondary institution and, as a banking institution, is disabled from doing so. The provision of such educational services is clearly beyond the scope of the Bank's natural expansion.

Notwithstanding these legal proscriptions, the Bank suggests that the public associates it with education because it sponsors college football teams and conferences, gives money to individual colleges and universities, makes loans to students, and gives talks about financial matters to students. Its "sponsorship" of college athletics is, in fact, more accurately described in its own advertising plan as "sports marketing" (Def. Ex. 156, RAC22955, 22959, 22960), used "to sustain and drive business based on historical results," as measured by a "cost benefit analysis." (Peters depo. at 106-07, 111; Pl. Ex.

36). Regions Bank is only one of eleven corporate sponsors in the second tier of sponsorship of the SEC conference, scrambling for media attention through such "sponsorships," according to the conference webpage, www.secsports.com. The Bank's other activities - providing scholarships, making student loans, and giving talks on financial matters - are activities within its field as a financial institution. These activities are completely different from those offered by the defendant, which is a fully accredited degree-granting institution of post-secondary learning.

Instead of demonstrating how its services are otherwise similar to those offered by the defendant, the Bank has made the factually unsupported assertion that consumers familiar with its mark are likely to believe that the Bank has made some kind of donation to the University to cause it to change its name. The Bank relies upon what it considers a "common practice" for schools to be named after substantial donors who would then exercise influence or control over these universities.

First of all, a public perception that a business or individual may have made a donation to a college or university, so as to cause a name change by the school, is not the kind of confusion as to "sponsorship" or "affiliation" contemplated under 15 U.S.C. § 1125. Defendant has not located a single trademark infringement case where the claimed likelihood of

confusion arose as a result of a belief that a business had made a donation to a school because of a similar name. The Bank's theory is unprecedented in the annals of trademark infringement jurisprudence.

Secondly, the factual assumption that a public perception exists, or probably would exist, that the defendant has changed its name to Regions University as a result of some donation made by Regions Bank is not supported by the evidence. If this were indeed the perception of a substantial portion of the public, a well-heeled litigant like the Bank would certainly have submitted survey evidence reflecting such confusion. The courts have held that the failure of a trademark owner to conduct a "confusion" survey, particularly where that owner is financially able to do so, justifies an inference that the results of the survey would be unfavorable. Charles Jacquin et cles, Inc. v. Destileria Serralles, Inc., 921 F.2d 467, 475 (3rd Cir. 1990); Eagle Snacks, Inc. v. Nabisco Brands, 625 F.Supp. 571, 583 (D. N.J. 1985); see The Sports Authority, Inc. v. Prime Hospitality Corp., 89 F.3d 955, 964 (2nd Cir. 1996) (absence of surveys is evidence that actual confusion cannot be shown); Braun, Inc. v. Dynamics Corporation of America, 975 F.2d 815, 828 (Fed. Cir. 1992); Cairns v. Franklin Mint Co., 24 F.Supp.2d 1013, 1041 (C.D. Cal. 1998); Marketing Displays, Inc. v. Traffix Devices, Inc., 971 F.Supp. 262, 267-68 (E.D. Mich. 1997). This is

especially true where a likelihood of confusion is not obvious due to substantial dissimilarities between the products or services. See Universal City Studios, Inc. v. Nintendo Company, Ltd., 746 F.2d 112, 117 (2nd Cir. 1984); Universal City Studios, Inc. v. The T-Shirt Gallery, Ltd., 634 F.Supp. 1468, 1478 (S.D. N.Y. 1986).

There is also insufficient evidence of a "common practice," or even a practice at all, for schools to change their names to that of a business as a result of a donation. The Bank has not offered one instance where a university or college has changed its name to that of a business as a result of a donation by a business.⁵ Perhaps more significantly, the Bank's other factual premise - that people would believe that the Bank exercised some influence or control over the University - is also faulty. If the Bank had made a donation, it could not lawfully have obtained any control or influence over the Board of Directors entrusted with the affairs of the University, without causing the school to lose its accreditation. The accreditation standards under which defendant operates expressly require that any accredited school have an independent governing board which

⁵ The Bank has recently listed a new exhibit consisting of an affidavit of one of its attorneys listing examples of colleges or universities she has found which have adopted the name of individuals (Pl. Exs. 491-494). The list is devoid of any schools named after businesses. The few businesses which are identified are the namesake only for some discreet building, such as a sports facility, alumni center, research center or other classroom. One of the exhibits also demonstrates that even where a university adopts the surname of an individual, that individual does not necessarily have any association with the university (Pl. Ex. 493, pp. 20-35).

is not controlled by a minority of board members or by organizations or interests separate from it. (Def. Exs. 151, 152). Typically, a trademark owner who licenses the use of its name to others must maintain some measure of control over the use of the name by the licensee in order to protect its trademark rights. See Mini Maid Services Co. v. Maid Brigade Systems, Inc., 967 F.2d 1516, 1519 (11th Cir. 1992). In this instance, the Bank would be precluded from exercising such control by the accreditation standards governing the school; and if it did not exercise control, it could not protect its trademark rights. Therefore, the Bank's theory cannot create the kind of "sponsorship" or "affiliation" envisioned by 15 U.S.C. § 1125. There can be no confusion as to "sponsorship" or "affiliation," as that term is used in 15 U.S.C. § 1125(a), where the goods or services are so unrelated that the public would not reasonably expect the plaintiff to be the maker or sponsor of the other goods or services. See Planetary Motion, Inc. v. Techsplosion, Inc., 261 F.3d 1188, 1201-02 (11th Cir. 2001).

That no confusion arises as to the relationship between a school or university and neighboring businesses sharing a common word mark can be demonstrated by evidence of how many such schools peacefully co-exist with such businesses in the same locality. At the Court's request, the University has compiled a

listing of numerous colleges or universities which share a common key word mark with businesses, limited to those located within twenty miles of the school, and where the common mark does not reference their common locality. (Def. Ex. 702). A copy of this list is attached hereto as Exhibit "B." Many of these colleges or universities are located within twenty miles of banks or other financial institutions sharing a common key word mark. Examples of these are highlighted on the attached Exhibit "B." Additionally, a number of schools and universities share a common key word mark with Fortune 500 businesses or other businesses of national renown. (Def. Ex. 703) (Exhibit "C" hereto). The University has also filed evidence of the coexistence of banks or other financial institutions with federally registered service marks, where the key word in such mark is also the key word in the name of a higher educational institution listed in the Higher Education Directory. See Declaration of Lily Matini and accompanying exhibits. (Def. Exs. 599-601). A similar listing of some 264 financial institutions sharing a common key word mark with 264 post-secondary educational institutions, with no affiliation or relationship to one another, is set forth in the Declaration of Doris Domino and accompanying exhibits. (Def. Exs. 597-598).

The courts have recognized that numerous local businesses in the vicinity of a college often share a mark in common with

the college or university. See Board of Trustees of the University of Arkansas v. Professional Therapy Services, Inc., 873 F.Supp. 1280, 1289 (W. D. Ark. 1995); see Temple University v. Tsokas, 1989 WL 104823 (E.D. Pa. 1989) (noting numerous businesses in the Temple University campus area, not affiliated with Temple University and using the name "Temple," without a license from the University). Where the goods or services offered by the similarly named business are not competing with or related to goods or services offered by the university, no likelihood of confusion has been found to exist. See Trustees of Columbia University v. Columbia/HCA Health Care Corporation, 964 F.Supp. 733 (S.D. N.Y. 1997) (no infringement of Columbia University's mark by defendant's use of similar mark for health care services where university did not provide health care services and did not have license to practice medicine); University of Notre Dame v. J. C. Gourmet Food Imports Company, Inc., 703 F.2d 1372 (Fed. Cir. 1983) (no likelihood of confusion in European cheese importer's registration of trademark "Notre Dame" for cheese, given differences in goods and services offered by university and goods offered by importer).

Conversely, where a school, as a junior user, has adopted a name similar to some commercial enterprise, liability for trademark infringement has not been found even where the educational services offered by the school might have suggested

some relationship to the plaintiff's business. See Sears Roebuck & Co. v. Allstate Driving School, Inc., 301 F.Supp. 4 (E.D. N.Y. 1969) (local driving school's use of name "Allstate" did not infringe plaintiff's use of that mark associated with its automotive products and insurance).

E. Similarity of the Parties' Retail Outlets and Customers

The parties' "retail" outlets have no overlap. The plaintiffs provide financial services through numerous branch offices located within some sixteen states. (Joint Pretrial Order, Stipulation of Fact no. 10). The University operates a single campus in Montgomery, Alabama and a facility that it rents in Nashville, Tennessee (Turner depo. at pp. 24-25), and more recently in Phoenix, Arizona. Some 95% of its educational services are supplied to students online and located in nearly every state in the union. (Joint Pretrial Order, Stipulated Fact no. 41; Def. Ex. 17).

The potential customer base of the Bank and the University has some overlap in the sixteen states within which the Bank does business, simply because students do business with banks. To this extent, the Bank's customer base overlaps with every commercial, social and religious organization within its market territory. So the overlap in the customer base is no greater than with any business in the Bank's territory. In any event,

the University draws students from far more than the Bank's sixteen state footprint. It has students from nearly every state in the Union and potentially from all over of the world (Deposition of Rex Turner at pp. 97-99; Def. Ex. 17) (reflecting student enrollment for Fall 2006 through Spring 2007 semesters from every state except Minnesota, Massachusetts, New Hampshire and North Dakota). Moreover, the customer overlap in this case is of little significance because the parties are offering completely different services to that customer base.

F. Similarity of Advertising Media

While both parties advertise and market their respective services in many of the same broad types of media (television, radio, signs, print advertisement, and internet), the specific publications used are different. The University has advertised in Gospel Advocate, Christianity Today, Christian Chronicle, Pulpit Helps and Peterson's, publications not used by the Bank. Moreover, the method of marketing differs substantially. Defendant markets through the top level ".edu" domain, reserved only for post-secondary institutions accredited by an agency on the U. S. Department of Education's list of nationally recognized accrediting agencies. The plaintiffs are prevented from using this ".edu" top level domain. Thus, although the parties both use the internet, the methodology used guarantees differentiation, not confusion.

The content of the parties' advertising media is also substantially dissimilar. All of the defendant's advertising is directed to post-secondary education. None of the plaintiffs' advertising is devoted to this purpose. The parties' respective advertisements carry slogans and taglines that are completely disparate in their meaning and impression. Plaintiffs use the slogan "It is time to expect more." (Deposition of Scott Peters at pp. 129-30). Defendant describes itself as "a Christian university" and "where traditional and online education merge." (Def. Exs. 19, 44, 47, 69, 70, 75).

G. Intention of University in Adopting Mark

The evidence in this case does not support any inference that, in adopting the name "Regions University," the defendant harbored an intention of capitalizing on the plaintiffs' reputation and good will. To the contrary, as discussed above in part I.A., all of the evidence demonstrates a good faith search for a new name for the University that would be more appealing to the national and global market for online higher education services. It selected "Regions University" only after its first attempt to register the mark "Masters University" failed, and further only after requesting an opinion of trademark counsel, relying upon the advice of that counsel that the name was registerable, and even double-checking with counsel after receipt of the opinion, upon discovery of the same name

used by the Bank for its internal training program. The minutes of the various board and committee meetings relating to the name change are devoid of any evidence of an intent to capitalize on the Bank's name. And the subsequent marketing strategy - including establishing campuses in Arizona, obtaining operating authority in Idaho, Montana and Utah, and obtaining registration of trademarks in China, India, Canada and Europe - was inconsistent with any intent to capitalize on the good will of a bank known only in the South and Midwestern regions of the U.S.

H. Evidence of Actual Consumer Confusion

This factor considers the existence of actual confusion by potential customers, or suppliers or investors, whose confusion could affect the commercial interests of the plaintiffs. See American Television and Communications Corp. v. American Communications and Television, Inc., 810 F.2d 1546, 1550 (11th Cir. 1987) (discounting plaintiff's evidence of actual confusion which did not involve consumers, suppliers or investors). Although the Bank claims to have "overwhelming" evidence of actual confusion, that evidence is neither overwhelming nor even probative of the confusion necessary to support an infringement action.

Relevant actual confusion is that of "a potential customer considering whether to transact business with one or the other of the parties." Sun Banks of Florida v. Sun Federal Sav. &

Loan Assn, 651 F.2d 311, 319 (5th Cir. 1981). The Bank has submitted no evidence of actual confusion at the point of sale of any of the University's services or of the Bank's services. No one has enrolled or otherwise done business with the University as a result of some belief of a connection with Regions Bank, nor has any customer ceased doing business with the Bank as a result of some confusion over the Bank's relationship to Regions University.

If people are not confused at the point of sale, the only other kind of confusion that some courts have recognized as actionable, under some circumstances, is confusion that creates initial interest in the defendant's products or services but which is dissipated before the sale occurs. Some courts allow this as evidence of confusion on the theory that the "initial interest" permitted the defendant to gain an advantage over those competing for his goods or services. See McCarthy on Trademarks, § 23:6. The courts which recognize "initial interest" confusion do not apply it where the goods or services are not competitive or related, or where purchasing decisions are made with a high level of care. See Checkpoint Systems, Inc. v. Checkpoint Software Technologies, Inc., 269 F.3d 270, 296 (3rd Cir. 2001) (and cases discussed therein). Nor do they apply it where the defendant did not intentionally adopt the

plaintiffs' mark to create that "initial interest" confusion.
Id.

Even if this doctrine were to be adopted in this circuit (and it has not been), none of the Bank's evidence of "confusion" is even "initial interest" confusion. None of the Bank's "confusion" witnesses has testified that they became interested in potentially enrolling in the University as a result of believing it had some connection to Regions Bank. Nor is this the kind of case where "initial interest" confusion is even actionable. The parties' services are not competitive or related, purchasing decisions are made with a high level of care, and the University did not intentionally adopt the Bank's mark to create confusion.

Almost all of the evidence of confusion which the Bank has filed - a series of some thirteen affidavits - consist of the testimony of employees or former employees of the Bank describing questions that arose either in their own mind or in the mind of other Bank employees with whom they spoke when they first learned of the name change of SCU to Regions University. Any "confusion" in the minds of Bank employees is irrelevant to the existence of actual confusion among members of the public who are potential customers of the parties' services. Moreover, Bank employees are in a unique position to question the relationship of a "Regions University" to the Bank, because they

all know of and have probably attended classes in the Bank's internal training program known as "Regions University." Members of the general public will make no such association, not having any knowledge of the internal name used by the Bank. Bank employee "confusion" is not probative of confusion among the relevant consuming public.

Only three of the Bank's "confusion" affiants are not current or former Bank employees. Jack Galassini, a friend of the Bank's Russell Dunman, who solicited the "confusion" evidence (Pl. Ex. 387); Brian Warwick, a lawyer with Maynard, Cooper & Gale, which represents the Bank (Pl. Ex. 386); and Justin Kribbs (Pl. Ex. 489). These affidavits are noteworthy for what they do not say. None indicate that any of these affiants were considering enrolling or otherwise doing business with the University, or with the Bank, as a result of their alleged "confusion." Nor do they indicate any desire to change their business relationship with the Bank as a result. Furthermore, these affidavits do not indicate actual "confusion." To the contrary, they show a mental distinction between the two marks that the affiant was making, leading him to inquire as to whether or not an affiliation or connection may have existed. Mr. Warwick states that he thought the Bank "may" have started a school and that it "might be" affiliated with Regions Bank. Mr. Galassini states he thought the school had

"some type of relationship" with the Bank and was "curious" about this. Mr. Kribbs states that he thought Regions University "might" have a connection with the Bank which prompted his inquiry. In each case, the affiant was not "confused" but had the difference in mind; otherwise, he would not have bothered to inquire. See McCarthy on Trademarks, § 23:16; Defendant's Brief in Support of Motion for Summary Judgment at pp. 45-47 (Doc. 49). In each case, the question in the affiants' minds was soon resolved by the inquiry of a Bank representative. "Short lived confusion" is "worthy of little weight" in this circuit. American Television and Communications Corp., 810 F.2d at 1550.

The other evidence relied upon by the Bank is inconsequential relative to actual confusion. The Bank points to three e-mails received by the University in response to a mass mailing announcing the name change in August of 2006. (Pl. Ex. 35). Affidavits from two of these repliers reflect that they were not actually confused, but rather were joking with Dr. Turner, whom they knew. (Affidavits of Dr. Wilson Luquire and David P. Moore, Def. Exs. 688, 689). The other e-mail is from a Mr. Randy Gore, a former student of the University, who is upset about the name change, asks whether a donation was made by the Bank, and stating "I certainly hope something that shallow is not the reason." (Def. Ex. 35). This e-mail on its face

reflects not actual confusion but rather a cognitive distinction the mind is still making between the two institutions.

Finally, the University received two phone calls, through its phone operators, from anonymous individuals inquiring as to whether there was any relationship between the Bank and the University. (Depositions of Carolyn Hughes and Patsy Fulgum). There is no evidence as to what caused these callers to question whether there was a relationship (no evidence that they actually saw any of the University's marks) and no evidence of what caused them to inquire of the University. Again, they were not calls that reflected confusion but rather a distinction the callers held in their minds between the Bank and the University.

This evidence of alleged "confusion" must also be considered in the context of the type of services offered by the parties and the degree of care and sophistication necessary to purchase these services. This case does not involve products purchased on impulse or without time to draw distinctions. The educational services offered by the University are purchased over an extended period of time and only after a time-consuming and detailed enrollment process. Any question regarding affiliation or sponsorship is quickly dispelled by a visit to the University's website. See Affidavit of Karan Rudolph (Pl. Ex. 394) ("[I] googled the web to satisfy my curiosity and found out what Regions University was and that it was not connected in

any way to Regions Bank."). Banking services are also not purchased in an indiscriminate manner. Consumers of both banking and educational services are reasonably sophisticated and can be expected to exercise enough discrimination to avoid being confused in the purchase of either of these services.

Other factors considered by the Eleventh Circuit, in weighing the evidence of alleged confusion, also work against the Bank: The Bank's mark is not distinctive and is often used in corporate names in the marketplace; there is no direct competition between the parties; and any confusion has not resulted in any loss of sales. See American Television and Communications Corp., 810 F.2d at 1550.

II.

FACTS RELEVANT TO DILUTION CLAIMS

The plaintiffs make claims for dilution of trademark under federal and state law. These laws require the existence of a famous mark that is "distinctive." The evidence in this case falls far short of the necessary "fame" as well as the necessary "distinctiveness" of the plaintiffs' mark "Regions," such that it could be the subject of a dilution action.

The plaintiffs' marks cannot qualify as "famous" under federal law because Regions Bank is not famous on a national basis. The plaintiffs only do business in sixteen states in the South and the Midwest. They have no branches outside of this

footprint. They do no advertising in other states (outside of whatever television coverage their collegiate athletic sponsorships give them). (Peters deposition at p. 118). The president of Regions Asset Company, who lives in Delaware, admitted that the Bank has no market presence in that state. (Armitage deposition at p. 15). She had no knowledge that the Bank had any fame in Delaware. (Id. at p. 35).

For similar reasons, the mark is insufficiently famous for purposes of the Alabama anti-dilution statute which should be interpreted in a fashion similar to the federal trademark law. See McCarthy on Trademarks, § 24:112 ("niche fame" in territorial area less than entire U.S. is "inappropriate for use via either the federal law or the various state statutes").

The dilution claims under federal and state law must also fail because the mark lacks the necessary "distinctiveness" required by the anti-dilution statutes. The facts supporting the weakness and lack of distinctiveness of the "Regions" mark are discussed above under Part I.A. Indeed, a higher degree of distinctiveness and strength is required to support a dilution claim than a traditional infringement claim. See Defendant's Brief in Support of Motion for Summary Judgment at p. 63 (Doc. 49). The "Regions" mark is descriptive in nature, is a common English word, and is used by many other businesses throughout the Bank's sixteen state footprint. Whatever distinctiveness

the plaintiffs may have acquired for their mark in the field of banking, through marketing and advertising, that distinctiveness does not carry over into other service sectors where the term is widely used and is descriptive of the regional nature of so many businesses. Even at the time the Bank registered its service mark "Regions," that same mark had been previously registered for restaurant services ("Regions Café"). (Def. Ex. 510). Moreover, in order to register the mark, the Bank had to first buy the right to the mark from a third party who was using that mark for banking and financial services. (Upchurch depo. at 24-25). Since the Bank's registration of its mark, for banking and financial services only, other companies have continued to register the mark "Regions" or "Region" for numerous different purposes. (Def. Exs. 504-518).

The facts discussed above, under Part I.B., describing the dissimilarity of the marks, is also fatal to the plaintiffs' dilution claims. For dilution to occur, the marks must be "very" or "substantially" similar such that a substantial segment of the target group of customers sees the two marks as essentially the same. See Defendant's Reply Brief at pp. 18-19 (Doc. 115).

Respectfully submitted,

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I hereby certify that on January 9, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

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/s/ WILLIAM W. WATTS

A. State of Arkansas

<u>Name of Organization</u>	<u>Date of Organization/ Incorporation</u>	<u>Status</u>
Regions Beyond, Inc.	03/13/1997	Good standing
Regions Commercial Park, LLC	04/24/2002	Good standing
Regions Contractors, Inc.	12/07/2004	Good standing
Regions Development Group, LLC	10/09/2006	Good standing
Regions Forest Services, LLP	02/25/2004	Good standing
Region Reporting, PLC	06/22/2000	Revoked 12/31/01

B. State of Florida

<u>Name of Organization</u>	<u>Date of Organization/ Incorporation</u>	<u>Status</u>
Regions, Inc.	09/13/1996	Inactive- Administrative Dissolution as of 10/16/98
Regions, Inc.	08/24/2005	Active
Regions Aloft, LLC	11/07/2006	Active
Regions Beyond International, Inc.	05/31/1996	Active
Regions Beyond Ministries, Inc.	01/26/2006	Active
Regions Capital, LLC	12/06/2006	Active
Regions Capital Mortgage, Inc.	08/22/2005	Inactive- Administrative Dissolution as of 9/15/06

EXHIBIT "A"

Regions Construction Co.	04/13/1998	Inactive- Administrative Dissolution as of 10/1/04
Regions Contractors, Inc.	05/30/2003	Active
Regions Development Ltd. Co.	09/10/2004	Active
Regions Facility Services, Inc.	09/04/2003	Active
Regions Financial Services, LLC	09/05/2006	Active-Name changed to Mortgagerich on 4/19/07
Regions Hospitality, LLC	12/13/2000	Active
Regions Insurance Consultants, Inc.	03/06/2007	Active
Regions Investment Group, Inc.	01/18/2006	Active
Regions Land Group, LLC	02/10/2005	Active
Regions Mortgage, Inc.	10/05/2005	Inactive- Administrative Dissolution as of 9/15/06
Regions Mortgage and Financial Services Corp.	04/20/2006	Active
Regions Oil and Gas, Inc.	04/20/2006	Active-Name changed to FUTP, Inc. as of 7/9/07
Regions Properties, LLC	07/06/2004	Active
Regions Publication, Inc.	05/20/2005	Active-Name changed to Worldcap Media Network, Inc. as of 10/23/06
Regions Realty, LLC	10/20/2005	Active

Regions Title, LLC	01/31/2002	Active
Regions Van Lines, Inc.	12/03/2004	Active-Name changed to current name as of 1/2/07
Regions Way, Inc.	05/08/2007	Active
Region Appraisals and Consulting Solutions, Inc.	03/29/2005	Active
Region America, Inc.	11/15/1995	Inactive- Voluntary Dissolution as of 4/3/98
Regionatlantic Realty, LLC	02/10/2005	Active
Region Capital Resources, Inc.	06/24/1994	Inactive- Administrative Dissolution as of 8/23/96
Region Construction, LLC	02/14/2007	Active
Regionet Wireless Operations, LLC	03/15/1999	Inactive- Revoked as of 10/4/02
Region Extreme All Stars	04/01/2004	Active
The Region Group, LLC	04/07/2006	Active
Region Management Corp.	04/20/2005	Inactive- Administrative Dissolution as of 9/15/06
The Region Marketing Group, Inc.	01/28/2005	Active
Region Med Corporation	01/05/1995	Inactive- Administrative Dissolution as of 8/23/96
Region Realty, Inc.	10/14/2005	Inactive-

		Administrative Dissolution as of 9/15/06
Region South Enterprises, Inc.	07/01/1979	Active
Region South GA., Inc.	04/27/1992	Inactive- Administrative Dissolution as of 9/26/97
Region Trucking Service, Inc.	02/09/2005	Inactive- Voluntary Dissolution as of 12/19/06
Region Trust, Inc.	04/16/2007	Active

C. State of Georgia

<u>Name of Organization</u>	<u>Date of Organization/ Incorporation</u>	<u>Status</u>
Regionsair, Inc.	05/13/1998	Active
Regions Beyond 2000 Ministries, Inc.	11/06/2006	Active
Regions Beyond Ministries, Inc.	05/04/1998	Active
Regions Club, Inc.	03/14/1994	Administrative Dissolution as of 8/6/96
Regions Development, Inc.	10/27/1997	Active
Regions Development Group, LLC	11/13/2006	Active
Regions Hospitality, LLC	02/18/1998	Active
Regions Land and Investments, Inc.	01/16/1997	Active
Regions North, Inc.	11/14/1994	Administrative Dissolution as

		of 8/6/96
Regions Properties, LLC	01/16/2004	Active
Regions Security and Investigations, Inc.	11/30/1998	Active
Regions South, LLC	07/18/2003	Active
Region Sales Agency, Inc.	07/25/1973	Administrative Dissolution as of 1/15/01
Region South GA., Inc.	05/18/1992	Administrative Dissolution as of 7/5/1998

D. State of Illinois

<u>Name of Organization</u>	<u>Date of Organization/ Incorporation</u>	<u>Status</u>
Regions Auto Sales, LLC	02/19/2003	Involuntary Dissolution as of 7/30/04
Regions Air, Inc.	04/17/2000	Not good standing
Regions Title Corporation	02/07/2007	Good standing
Region Claims Service, Inc.	03/25/2004	Good standing
Region Construction Company	09/12/1994	Dissolved
Region Consulting Services, Ltd.	05/13/1998	Dissolved
Region Fence Sales, Inc.	04/01/1980	Good standing
Region Metal, Inc.	09/13/1989	Dissolved
Region Realty, LLC	04/19/2007	Good standing

E. State of Indiana

<u>Name of Organization</u>	<u>Date of Organization/ Incorporation</u>	<u>Status</u>
Region, Inc.	08/23/1991	Active
Region Basketball, Inc.	07/23/1999	Active
Region Builders, Inc.	04/18/1999	Administrative Dissolution as of 3/18/03
Region Chem Dry I and II, Inc.	04/06/2006	Active
Region Communications, Inc.	02/04/2002	Active
Region Construction Corp.	10/05/1998	Administrative Dissolution as of 7/1/02
Region Cuppy S, LLC	01/25/2007	Active
Region Datacom, LLC	08/09/2004	Active
Region Design Group, Inc.	11/04/2002	Voluntary Dissolution as of 7/10/06
Region Destroyers, Inc.	03/10/2004	Active
Region Electric Corp.	07/29/2002	Active-Name changed to Sharlen Electric Co. as of 2/22/05
Region Electric, Inc.	02/01/1995	Voluntary Dissolution as of 10/27/04
The Region Enterprises Limited Partnership	05/04/1993	Active
Region Extreme All Stars, Inc.	06/23/2004	Active
Region Freight Lines, Inc.	12/17/1982	Active

Region Home Inspection, Inc.	09/23/2003	Active
The Designer Outlet & Region Liquidators, Inc.	01/24/2003	Active
Region Mall, Inc.	10/14/1999	Active
Region Motors, Inc.	09/16/1984	Administrative Dissolution as of 8/3/95
Region Pools, Inc.	03/14/2006	Active
Region Properties, LLC	12/01/2003	Active
Region Rats Baseball Club, Inc.	05/07/2001	Administrative Dissolution as of 4/14/05
Region Real Estate, Inc.	04/05/2002	Active
Region Realty Company, Inc.	04/29/1983	Active
Region Renovations, Inc.	09/01/1995	Active
Region Renovations, LLC	05/15/1998	Voluntary Dissolution as of 7/6/99
Region Roofing, Inc.	03/24/1969	Administrative Dissolution as of 3/18/03
Region Roundball Foundation, Inc.	11/28/2005	Active
Region Signs, Inc.	02/07/2003	Active
Region Title, LLC	03/22/2004	Expired as of 3/22/07
Region Sports Network, LLC	09/02/2003	Active

F. State of Iowa

Name of	Date of Organization/
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<u>Organization</u>	<u>Incorporation</u>	<u>Status</u>
Regionsair, Inc.	04/04/2000	Active

G. State of Kentucky

<u>Name of Organization</u>	<u>Date of Organization/ Incorporation</u>	<u>Status</u>
Regionsair, Inc.	03/20/2001	Active

H. State of Louisiana

<u>Name of Organization</u>	<u>Date of Organization/ Incorporation</u>	<u>Status</u>
All Regions Services, Inc.	07/13/1999	Active-name changed from All Regions Forestry, Inc. on 11/7/03
Regions Community Behavioral Health Center, Inc.	02/20/2003	Active
Regions Community Behavioral Health Center of Baton Rouge, Inc.	05/05/2003	Active
Regions Community Behavioral Health Center of Houma, Inc.	03/26/2007	Active
Regions Contractors, Inc.	03/08/2007	Active
Regions Land and Timber, LLC	12/07/2004	Active
Regions Plumbing and Mechanical Company, LLC	05/24/1995	Not Active- Revoked as of 8/16/05
Regions Security Insurance	06/21/2007	Active trade name (first used in Louisiana

		7/15/96)
Regions Wholesale Battery, LLC	04/20/2001	Active
Region Electric, LLC	10/29/2002	Active
Region Insulation Company, Inc.	10/21/1997	Active
Region Farm, LLC	05/31/2007	Active
Region Realty	03/05/1991	Active trade name (first used in Louisiana 3/1/84)
Region Security Protection Agency, Inc.	05/14/2001	Not Active- Revoked as of 8/16/05
Region Truck Parts and Service, Inc.	11/30/1992	Not Active- Revoked as of 2/15/00

I. State of Mississippi

<u>Name of Organization</u>	<u>Date of Organization/ Incorporation</u>	<u>Status</u>
Regions Auto Sales, LLC	10/25/2006	Good standing
Regions Contractors, Inc.	09/15/2005	Good standing
Phelps Realty Group, Inc. f/k/a Regions Realty Group, Inc.	11/14/2005	Good standing

J. State of Missouri

<u>Name of Organization</u>	<u>Date of Organization/ Incorporation</u>	<u>Status</u>
Regionsair, Inc.	04/14/2000	Good standing

Regions Realty, LLC	04/21/2005	Active
Regions Survey, Inc.	08/03/1991	Dissolved 2001
Region Land Survey, Inc.	03/14/2005	Good standing
Region Medical Equipment, LLC	10/07/2002	Active
Region Welding, Inc.	05/10/1983	Good standing
Region Welding of Missouri, Inc.	01/08/2004	Good standing

K. State of North Carolina

<u>Name of Organization</u>	<u>Date of Organization/Incorporation</u>	<u>Status</u>
Regions Claim Management Group, LLC	10/11/2006	Active
Regions Development, LLC	04/20/2000	Active
Thompson Gas-North Carolina, LLC f/k/a Regions Propane-North Carolina, LLC	05/11/1999	Active
Region's Real Estate Services, Inc.	02/23/1999	Active
Region Construction, Inc.	05/23/2005	Active
Region South Construction & Development, Inc.	08/17/2004	Active

L. State of South Carolina

<u>Name of Organization</u>	<u>Date of Organization/Incorporation</u>	<u>Status</u>
Region's, Inc.	09/01/2006	Good standing
Regions Construction, LLC	09/08/2005	Good standing
Regions Construction and	06/17/2002	Good standing

Maintenance, LLC

Regions Propane-South Carolina, LLC	05/25/1999	Good standing
Region Airlink, Inc.	12/01/1992	Forfeiture/ dissolution as of 11/26/96
Region Properties, LLC	03/20/2003	Good standing
Region South Realty, LLC	06/10/2005	Good standing

M. State of Tennessee

<u>Name of Organization</u>	<u>Date of Organization/ Incorporation</u>	<u>Status</u>
Regionsair, Inc.	03/05/1997	Active
Regions Contractors, Inc.	06/13/2005	Active
Regions Development Group, LLC	10/30/2003	Active
Regions Hospitality, LLC	01/26/2006	Active
Regions Propane-Tennessee, LLC	04/30/1999	Changed
Regions Realty, LLC	07/28/2006	Active

N. State of Texas

<u>Name of Organization</u>	<u>Date of Organization/ Incorporation</u>	<u>Status</u>
Regions Christian Center	12/05/1994	Active-name changed to current name as of 6/13/06
Regions Consulting Group, Inc.	12/15/2004	Active
Diversified Capital-Howell, LLC	09/27/2006	

d/b/a Regions Diversified
Capital-Howell, LLC

Regions Express Corporation	11/04/1996	Forfeited existence
Regions Oil and Gas, Inc.	05/25/2004	In existence
Beautiful Lunatic Productions, LLC d/b/a Regions Skin Care	10/17/2006	In existence
Regions of Texas Land Company, LLC	06/08/2005	In existence
Regions Tower Partners, LP	09/26/2006	In existence
Region Development, Inc.	01/18/1996	Voluntary Dissolution as of 12/27/07
Region Enterprises, Inc.	07/30/1959	Active
Region Health Care, Inc.	02/08/2006	In existence
Region Insulation Company, Inc.	06/17/1996	In existence
Region Parts, LLC	07/12/2004	Forfeited existence

(Def. Ex. 589)

LIST OF COMMERCIAL ENTERPRISES WITHIN 20 MILES OF COLLEGE OR UNIVERSITY
WITH SIMILAR NAME

Academy College (Bloomington, MN)

Academy Contact Lens Clinic, Inc.
Academy Dental Laboratories

Alliant International University (Fresno, California)

Alliant Event Services
Alliant Insurance Services Inc.

Alliant International University (Irvine, California)

Alliant Asset Mgmt. Co.
Alliant Foodservice Inc.

Alliant International University (Los Angeles, California)

Alliant Credit Union
Alliant Foodservice Inc.
Alliant Medical Staffing & In-Home Care
Alliant Technology Group

Alliant International University (San Diego, California)

Alliant Event Services
Alliant Foodservice Inc.
Alliant Insurance Services Inc.
Alliant Specialty Ins Services

Alliant International University (San Francisco, California)

Alliant Credit Union
Alliant Insurance Services, Inc.

Allied College (Maryland Heights, MO)

Allied Bus Sales, Inc.
Allied Home Mortgage Capital Corp.
Allied Medical Systems, Inc.
Allied Mortgage Capital
Allied Photo Color
Allied Riser Communications Co.
Allied Service Co.
Allied Signal Aerospace
Allied Van Lines
Allied Waste

Allied Medical and Technical Institute (Forty Fort, PA)

Allied Alarm Systems
Allied Consulting Incorporated
Allied Contractors & Engineers Incorporated
Allied Door & Maintenance
Allied Fence Construction
Allied Foods Incorporated
Allied Health Care Services
Allied Home Mortgage
Allied Home Mortgage Capital Corporation
Allied Machine & Design
Allied Medical & Technical Careers

EXHIBIT "B"

Allied Medical Laboratories Inc.
Allied Products
Allied Septic Service
Allied Services
Allied Services Home Health
Allied Services Janitorial Service
Allied Van Lines

Allied Medical and Technical Institute (Scranton, PA)

Allied Glass Industries
Allied Service
Allied Service Outpatient
Allied Services Inpatient Services
Allied Services Janitorial Service
Allied Services Nursing
Allied Services Rehabilitation Hospital
Allied Terrace

Apollo College (Albuquerque, NM)

Apollo Plumbing

Apollo College (Boise, ID)

Apollo Concepts
Apollo Engineering
Apollo Supply Co Inc

Apollo College (Las Vegas, NV)

Apollo Enterprises
Apollo Graphics
Apollo Medical Management
Apollo Security Services
Apollo Smart Systems Inc
Apollo Spa & Health Club
Apollo Smart Systems Inc.

Apollo College (Mesa, AZ)

Apollo 1 Hr Cleaners
Apollo II Cleaners
Apollo Design Services
Apollo Fire
Apollo Funding Group Inc.
Apollo Group Incorporated
Apollo Gym
Apollo Hair Center LLC
Apollo Investigative Service
Apollo Lawn Service
Apollo Pest Control
Apollo Press
Apollo Security Group
Apollo Transfer LLC
Apollos Gym
Apollos Lounge

Apollo College (Phoenix, AZ)

Apollo Air Conditioning
Apollo Animal Hospital

Apollo Boarding & Grooming
Apollo Communications
Apollo Fire
Apollo Group
Apollo Group Incorporated
Apollo Hair Center LLC
Apollo Lawn Service
Apollo Vending LLC
Apollos Lounge

Apollo College (Tucson, AZ)
Apollo Flooring
Apollo R V Park

Apollo College (Portland, OR)
Apollo Book Company
Apollo Chemical & Equipment Company
Apollo Custom Homes Incorporated
Apollo Drain & Plumbing
Apollo Drain & Plumbing Service
Apollo Drain & Rooter
Apollo Drain & Rooter Service
Apollo Express Delivery Service
Apollo Geophysics Corporation
Apollo Graphics Incorporated
Apollo Language Services
Apollo Mortgage Network
Apollo Pet Supply
Apollo Pools & Billiards
Apollo Pools Incorporated
Apollo Sheet Metal
Apollo Towing
Apollo TV Repair

Apollo College (Spokane, WA)
Apollo Electric
Apollo Geophysics Corporation
Apollo Gold Incorporated
Apollo Hair Center
Apollo Plastics Incorporated
Apollo Sheet Metal
Apollo Sheetmetal
Apollo Spa Sales
Apollo Spas

Arcadia University (Glenside, PA)
Arcadia Abstract LLC
Arcadia Athletic Associates
Arcadia Capital Group Incorporated
Arcadia Health Care
Arcadia Land Company

Argosy University (Chicago, IL)
Argosy Casino
Argosy Education Group
Argosy Entertainment

Argosy Film Service
Argosy Gaming Company
Argosy Int Insurance Agency, Inc.

Argosy University (Dallas, TX)
Argosy Amusements
Argosy Oil Incorporated
Argosy Roofing

Argosy University (Los Angeles, CA, Santa Monica, CA and Orange County, CA)
Argosy Corp.
Argosy Industries
Argosy Technology Inc.

Argosy University (Seattle, WA)
Argosy Component Sales
Argosy Cruises

Assumption College (Worcester, MA)
Assumption Mutual Life Insurance Co.

Bard College (Annandale-on-Hudson, NY):
Bard Builders Incorporated

Beacon College (Leesburg, FL)
Beacon Advanced Eye Care Center
Beacon Real Estate & Associates Incorporated

Beacon College (Leesburg, FL)
Beacon Advanced Eye Care Center
Beacon Credit Repair
Beacon Electronics Association Incorporated
Beacon Enterprises Incorporated
Beacon Home Financial Services
Beacon House Adoption Service Inc.
Beacon Real Estate & Associates Incorporated
Beacon Technology Enterprise
Beacon Trust & Title

Beacon University (Columbus, GA)
Beacon Credit Repair
Beacon House Adoption Service Inc.
Beacon, The

Black-Hawk College (Moline, IL)
Black Hawk East Foundation
Black Hawk Freight Service Inc.
Black Hawk Helicopters Inc.
Black Hawk Mutual Insurance Co.

Blackhawk Technical College (Janesville, WI)
Blackhawk Aircraft Maintenance
Blackhawk Auto Sales

Blackhawk Bank
Blackhawk Campground Rv Sales & Service

Blackhawk Campgrounds
Blackhawk Community Credit Union
Blackhawk Curling Club
Blackhawk Farms Raceway
Blackhawk Field Archers
Blackhawk Fitness
Blackhawk Golf Course
Blackhawk Homecare
Blackhawk Hardwood Floors
Blackhawk Limousine Service
Blackhawk Logistics LLC
Blackhawk Mach. Tools
Blackhawk Meats
Blackhawk Metric Supply
Blackhawk Mini Storage
Blackhawk Packing & Shipping
Blackhawk Propane Co
Blackhawk Property Management
Blackhawk Rt. Mach. Products Inc.
Blackhawk Rv Sales

Blackhawk State Bank

Blackhawk Transport Inc.
Blackhawk Veterinary Hospital

Brown University (Providence, RI)

Brown Advisory Group, LLC
Brown Cab
Brown Funeral Home, Inc.
Brown Moving Company
Brown Photo Laboratory
Brown Translations, LLC
Brown Communication Company

Camelot College (Baton Rouge, LA)

Camelot Apartments
Camelot Club

Century College (White Bear Lake, MN)

Century 21
Century Animal Clinic Incorporated
Century Car Company
Century Circuits & Electronics Incorporated
Century Dental
Century Floral & Gifts
Century Plumbing & Heating
Century Plumbing Incorporated
Century Roofing
Century Spring Corporation
Century Tile

Charter College (Anchorage, AK and Wasilla, AK)

Charter Communications Inc.
Charter Company, The
Charters North Counseling Center

Columbia College Chicago (Chicago, IL)

Columbia
Columbia Acorn Funds
Columbia Behavioral Health 8dd
Columbia Capital Mgmt.
Columbia Casualty Company
Columbia Center III
Columbia Cosmetics
Columbia Engineering
Columbia Financial
Columbia Furniture
Columbia Glass Inc.
Columbia Group LLC, The
Columbia Gyros
Columbia Lock & Key LLC
Columbia Mortgage & Funding Corp
Columbia Metal Spinning
Columbia Paper
Columbia Pharmacy Inc
Columbia Physical Rehabilitation Centers
Columbia Pipe & Supply Co
Columbia Riveredge Hospital
Columbia Scale Company
Columbia Sheet Metal Work Inc.
Columbia Tristar
Columbia Window Cleaning Co.
Columbia Woodworks Corp

Columbia College Hollywood (Hollywood, CA)

Columbia Aluminum Products
Columbia Analytical Services Incorporated
Columbia Auto Body Paint
Columbia Boilers
Columbia Business Forms and Equip.
Columbia Business Forms Inc.
Columbia Computer Products
Columbia Cosmetics Mfg. Inc.
Columbia Court Dept.
Columbia Development Group LLC
Columbia Electronic Sales Inc.
Columbia Excel Pharmacy
Columbia Fabricating Co.
Columbia Hca
Columbia Iron & Metal
Columbia Liquor Inc.
Columbia Lithograph Inc.
Columbia Mach.
Columbia Manufacturing Corporation
Columbia Medical Group
Columbia Metal
Columbia Pest Control Company
Columbia Pictures
Columbia Plastic
Columbia Printing Incorporated
Columbia Real Estate
Columbia Showcase & Cabinet Co.

Columbia Specialty Co Inc.
Columbia Travel Multi Service
Columbia Trophy & Metal Products
Columbia Trust Co.
Columbia-Warner Federal Credit Union

Columbia College of Nursing (Milwaukee, WI)
Columbia Cardiographic Consultants Ltd.
Columbia Center
Columbia East Medical Clinic
Columbia Grinding Incorporated
Columbia Hospital
Columbia Obstetrics & Gynecology
Columbia Pipe
Columbia Pipe & Supply Company

Columbia Savings & Loan Assn.
Columbia Savings Bank
Columbia Sports Ware Mke
Columbia Steel Casting Company Incorporated
Columbia West Medical Clinic

Columbia Theological Seminary (Decatur, GA)
Columbia
Columbia Auto Service
Columbia Beauty Supply
Columbia Beauty Supply Store
Columbia Belvedere Animal Hospital
Columbia Blackshear
Columbia Cosmetics Mfg Inc.
Columbia Crest
Columbia Development Svc
Columbia Edgewood
Columbia Energy/Residential
Columbia Engineering
Columbia Food Mart Inc.
Columbia Grocery
Columbia Heritage Senior Residences
Columbia Hotel Management LLC
Columbia Insurance Group
Columbia Northlake Regional Medical Center
Columbia Properties Inc.
Columbia Publications Inc.
Columbia Tristar Television Distribution
Columbia Ultimate
Columbia Used Auto Parts Incorporated

Columbia University (New York, NY)
Columbia Art, Inc.
Columbia Artists Management, Inc.
Columbia Capital Company
Columbia Color, Inc.
Columbia Condominium Health Club
Columbia Consulting Group
Columbia Copy Center
Columbia Deli, Inc.

Columbia Enterprises, Inc.
Columbia Financial Partners, LP
Columbia Hair Style
Columbia Home Loans, LLC
Columbia House Company
Columbia Interiors, Inc.
Columbia Leather
Columbia News
Columbia Pharmacy
Columbia Pictures Industries, Inc.
Columbia Sportswear
Columbia Tailors and Cleaners
Columbia Technologies
Columbia Telecommunications
Columbia Vision Correction

Commonwealth Technical Institute (Johnstown, PA)

Commonwealth Adoptions International Inc.
Commonwealth Funding
Commonwealth of Pennsylvania
First Commonwealth Bank

Commonwealth Institute of Funeral Service (Houston, TX)

Commonwealth
Commonwealth Adoptions International Inc.
Commonwealth Apts.
Commonwealth Engineering & Construction
Commonwealth Housing Corp.
Commonwealth Land Title
Commonwealth Mktg.
Commonwealth Mortgage Co. of America
Commonwealth Occidental Company

Commonwealth Savings Association

Commonwealth Supermarket
Commonwealth Title
Commonwealth Townhouse

Concord Law School (Los Angeles, CA)

Concord Auto Works
Concord Bindery Inc.
Concord Communications
Concord Contemporary Furniture
Concord Document Services Inc.
Concord Electric Svcs. Inc.
Concord Energy Consultants Incorporated
Concord English Language Center
Concord Enterprises Inc.
Concord Equipment Co.
Concord Express Inc.
Concord Express Travel
Concord Farms
Concord Financial Services
Concord General Insurance
Concord Hotel
Concord Industrial Products

Concord Limo Incorporated
Concord Moon
Concord Pasadena, The
Concord Personnel Services
Concord Records
Concord Textiles
Concord Tours
Concord Towing & Impound spelling correction
Concord Triangle Corporation
Concord Training Consultants
Concord Transportation Inc.
Concord Travel
Concord Triangle Corp.
Concord USA Corp.
Concord W L Enterprise Inc.
Concords Diagnostic Services

Concorde Career Colleges and Concorde Career Institute (Arlington, TX)

Concorde Associates Inc., The
Concorde Group Tom C Davis, The

Concorde Career Colleges and Concorde Career Institute (Garden Grove, CA)

Concorde Development

Concorde Career Colleges and Concorde Career Institute (Kansas City, MO)

Concorde Construction Co.

Concorde Career Colleges and Concorde Career Institute (Lauderdale Lakes, FL)

Concorde Center Limited Leasing Office
Concorde Consult Trading Incorporated
Concorde Title Insurance Agency
Concorde Trading Group

Concorde Career Colleges and Concorde Career Institute (North Hollywood, CA)

Concorde
Concorde Associates
Concorde Capital Corp.
Concorde Capitol Holding Inc.
Concorde Communications
Concorde Consultants Inc.
Concorde Digital Technologies USA Inc.
Concorde Jewelry
Concorde Limo.

Concorde Career Colleges and Concorde Career Institute (San Bernardino, CA)

Concorde Battery Corporation
Concorde Communications

Concorde Career Colleges and Concorde Career Institute (San Diego, CA)

Concorde Communications
Concorde Consulting Group Inc.

Concorde Career Colleges and Concorde Career Institute (Tampa, FL)

Concorde Capital Partners
Concorde Companies
Concorde Realty Advisors

Cornerstone University (Grand Rapids, MI)

Cornerstone America
Cornerstone Architects
Cornerstone Asset Management LLC
Cornerstone Contracting
Cornerstone Designs
Cornerstone Eighty Nine LLC
Cornerstone Home Loans
Cornerstone Insurance Agency Inc.
Cornerstone Retirement Partners
Cornerstone Systems
Cornerstone Trust Incorporated
Cornerstone Video and Tanning

Covenant College (Lookout Mountain, GA)

Covenant Bank & Trust

Covenant Builders
Covenant Cabinets
Covenant Care Group
Covenant Design & Printing
Covenant Florist
Covenant Funeral and Cremation Service
Covenant Group Insurance & Financial Specialists
Covenant Heat & Air
Covenant Med Care Center
Covenant Transport, Inc.

Covenant Theological Seminary (St. Louis, MO)

Covenant Carpet Cleaning
Covenant Chai Beauty Salon
Covenant Contract Management Services, Inc.
Covenant Financial LLC
Covenant Health & Wellness Center
Covenant Home Care, Inc.
Covenant Medical Services, Inc.
Covenant Mortgage
Covenant Network

Crossroads College (Rochester, MN)

Crossroads Barber Shop
Crossroads Laundromat
Crossroads Shopping Center

Crown College (Saint Bonifacius, MN)

Crown Auto
Crown Auto Detail & Carwash
Crown Auto Service Centers
Crown Bank
Crown Builder Incorporated
Crown Capital Securities LLP
Crown Computer Exchange Incorporated
Crown Cork & Seal Incorporated
Crown Cork & Seal Company Incorporated
Crown Drain Cleaning
Crown Excavating Inc.

Crown Extrusions
Crown Fence & Wire
Crown Fitness
Crown Fixtures Incorporated
Crown Funding
Crown Gas Company
Crown Glory Beauty Salon
Crown Graphics
Crown Hair Styling Salon
Crown Industrial Doors
Crown Iron Works Company
Crown Limousine
Crown Maids Incorporated
Crown Marking
Crown Masonry
Crown Medical Center
Crown Mold & Design Incorporated
Crown Mortgage
Crown Oak Construction
Crown Packaging Corporation
Crown Plastics Incorporated
Crown Rental
Crown Renovations
Crown Specialties
Crown Taxi
Crown Theatres
Crown Title
Crown Tonka
Crown Touch Catering
Crown Travel
Crown Trophy
Crown Video & Tanning
Crown Warehouse & Delivery

Crown College (Tacoma, WA)

Crown & Glory Fashion
Crown Bar
Crown Capital Management Company
Crown Capital Securities
Crown Catering
Crown Craft Dental Lab
Crown Meat Company Incorporated
Crown Properties, Inc.

Dartmouth College (Hanover, N.H.)

Dartmouth Hearing Aids
Dartmouth Moving & Storage
Dartmouth Printing Company
Dartmouth Real Estate
Dartmouth Riding Center
Dartmouth Transportation Company
Dartmouth Travel
The Dartmouth Company OP

Dean College (Franklin, MA)

Dean Auto Collision Ctr

Dean Cooperative Bank

Dean Fuel Center
Dean Transportation Company
Dean Warehouse Service
Deans Home Furniture
Deans Wood Floors

Dean Institute of Technology (Pittsburgh, PA)

Dean Contracting
Dean Davis Communications
Dean Diamond Importers
Dean Financial Service LLC
Dean Freight Carriers Incorporated

Delta College (University Center, MI)

Delta Air Lines
Delta Bookstore
Delta Communications International
Delta Communications Midland 2
Delta Counseling
Delta Court Reporters
Delta Dental Clinic
Delta Diesel LLC
Delta Door Sales
Delta Family Counseling Centers
Delta Fire Protection
Delta Motel
Delta Psychological & Neurobehavioral Services
Delta Steel Inc.
Delta Truss
Delta Workforce Development Center

Empire College (Santa Rose, CA)

Empire 1 Nursery
Empire Alarm Company
Empire Asphalt & Engineering Co.
Empire Associates
Empire Auctioneer
Empire Auto Parts
Empire Automotive Inc.
Empire Barber Shop
Empire Bearing Co.
Empire Boat & RV Storage
Empire Builders
Empire Building & Restoration
Empire Cleaners
Empire Collection Authorities
Empire Communications
Empire Computer Service
Empire Design Co.
Empire Diagnostics
Empire Diamond Corp.
Empire Document Services
Empire Drilling
Empire Dry Tech Carpet & Upholstery Cleaning
Empire Electric Supply Inc.

Empire Elevator Co. Inc.
Empire Engine Exchange
Empire Equine
Empire Eye Doctors Medical Group
Empire Financial
Empire Floors
Empire Floor Machine Co.
Empire Graphics & Printing
Empire Hardwood Flooring & Moulding
Empire Homes Inc.
Empire Imaging Inc.
Empire Imaging Service
Empire Insulation Contractors
Empire Landscape Maintenance
Empire Lock & Safe
Empire Lockworks
Empire Magnetix Inc.
Empire Manufacturing Co.
Empire Marble & Granite
Empire Mini Storage
Empire Motorcycle Transport & Towing
Empire Mower Equip.
Empire Optical
Empire Optometry
Empire Painting & Decorating
Empire Pest Control
Empire Physical Therapy Center
Empire Production Supplies Inc.
Empire Property Services
Empire Paralegal Services
Empire Physical Therapy Center
Empire Real Estate and Finance
Empire Roofing Services
Empire Sales Associates
Empire Sanitary Service
Empire Scaffolding
Empire Security Services
Empire Shower Doors Inc
Empire Steam Cleaning
Empire Towing Service
Empire Tree Experts
Empire Vacuum & Sewing
Empire Video Distributors
Empire Waste Mgmt.
Empire West Electric
Empire West Plastics Inc.
Empire West Property Management
Empire Wholesale Lending

Everest College (Dallas, TX)
Everest Group
Everest Realty
Everest Software Corporation

Expressions College for Digital Arts (Emeryville, CA)
Expressions Diagnostics, Inc.

Expressions Gallery
Expressions Lithography

Fox College (Chicago, IL)

Fox & Fox Architects
Fox & Fox Janitorial Service
Fox & Fox Property Mgmt.
Fox & Obel Food Market
Fox Animal Hospital
Fox Associates
Fox Auto Body
Fox Auto Rebuilders
Fox Brothers Tailors Inc.
Fox Brothers Transfer Inc.
Fox Coffee Service
Fox Cooling & Heating
Fox Deluxe Inc.
Fox Edward Photography
Fox Electronics
Fox Entertainment Group
Fox Financial Group Ltd.
Fox Fire Cleaners
Fox Fred Studios Limited
Fox Hair
Fox Home Center Inc.
Fox Inc.
Fox Landscaping Inc.
Fox Lighting Galleries
Fox Management
Fox Metal Service
Fox Network News
Fox Outdoor Products
Fox R P and Associates Incorporated
Fox Security Door
Fox Supply Co.
Fox Towing Inc.
Fox Vending Inc.

Frontier School of Midwifery & Family Nursing (Hyden, KY):

Frontier Camper Construction
Frontier Camper Constructors

Foundation College (San Diego, CA)

Foundation Capital
Foundation Community Services
Foundation Escrow
Foundation K9 Training
Foundation Pile Inc.

Full Sail Real World Education (Winter Park, FL)

Full Sails Production

Global University (Springfield, MO)

Global Assist Network
Global Colleagues Network
Global Drug Testing Services

Global Edge Recruiting Associates
Global Expedition Vehicle LLC
Global Granite & Marble
Global Link Land Surveying & Engineering Incorporated
Global Mkt.
Global Mortgage LLC
Global Net Designs
Global Piano Moving & Sales
Global Realty Group LLC
Global Transportation Systems Inc.

Globe College (Saint Paul, MN)

Globe Auto Sales
Globe Aviation Services
Globe Companies
Globe Parking Lots
Globe Publishing
Globe Trading & Marketing

Globe Institute of Technology (New York, NY)

Globe and Globe Inc.
Globe Air Cargo
Globe ATM & Credit Card Services
Globe Awning Company
Globe Bar and Grill
Globe Capital
Globe Capital Partners
Globe Car Service
Globe Cash
Globe Cast North America Incorporated
Globe Communications Corporation
Globe Construction Incorporated
Globe Decorators
Globe Delicatessen
Globe Diamonds Inc.
Globe Discount Tire
Globe Drug Store
Globe Electronic Hardware Globe Fasteners Division
Globe Electronics Incorporated
Globe Employment Agency
Globe Entertainers Incorporated
Globe Foreign Auto Parts
Globe Footwear Corporation
Globe Fuel Oil Company Incorporated
Globe Gems Incorporated
Globe Ground
Globe Industries Corporation
Globe Jewelry Inc.
Globe Lift
Globe Lighting
Globe Lithographing
Globe Management Incorporated
Globe Manufacturing Sales Incorporated
Globe Marble & Granite Stone Fabrication Inc.
Globe Metals Incorporated
Globe Monte Metro

Globe Mortgage America LLC

Globe Motor Car Company
Globe Op Financial Services LLC
Globe Packaging Company Incorporated
Globe Photo Engraving Co LLC
Globe Plastic Slipcovers
Globe Plating
Globe Plumbing Svce
Globe PM Realty
Globe Realty & Ins Agency
Globe Realty & Travel Corporation
Globe Scientific Incorporated
Globe Security Alarms Incorporated
Globe Security Systems Company
Globe Shoes
Globe Star Media N Entertainment Inc.
Globe Storage & Moving Company Incorporated
Globe Surgical Supplies
Globe Talk Network
Globe Tech Incorporated
Globe Tex
Globe, The
Globe Title Agency Incorporated
Globe Touch Wireless
Globe Transmissions
Globe Travel
Globe Travel & Tours Incorporated
Globe Trotter Antiques
Globe Two Way Radio
Globe Universal Contracting Incorporated
Globe Video Services Incorporated
Globe West Enterprises Incorporated
Globe Western Boot World
Globe Wholesale Company

Governors State University (University Park, IL)

Governors Car Wash
Governors House
Governors Office Park
Governors Park Realty & Management Corporation

Grace College and Seminary (Winona Lake, IN)

Grace Grethren Investment Foundation
Grace House of Photography
Grace Janitorial Service
Grace Manufacturing Incorporated

Grace University (Omaha, NE)

Grace Plastering Incorporated
Grace-Mayer Insurance

Hallmark Institute of Aeronautics (Houston, TX)

Hallmark Air Conditioning Inc.
Hallmark Air Conditioning & Heating
Hallmark Cards & Gifts
Hallmark Car Wash Oil Lube and Detail Center

Hallmark Clean Care
Hallmark Design Homes
Hallmark Design Homes LLC
Hallmark Design Homes Constr T
Hallmark Fashion Kitchen
Hallmark Home Generator Co., A
Hallmark Hose Organization Inc.
Hallmark Insurance Agency Incorporated
Hallmark Limousine Service Inc., A
Hallmark Litigation Support Services
Hallmark Lube. Center
Hallmark Medical Systems Inc.
Hallmark Office Products Inc.
Hallmark Rehab.
Hallmark Retirement Community, The
Hallmark Sales Corp.
Hallmark Services
Hallmark Shop & Fine Gifts
Hallmark, The
Hallmark Tickets

Hallmark Institute of Technology (San Antonio, TX)

Hallmark Apartments
Hallmark Bradfield Properties, Inc.
Hallmark Creations
Hallmark Home Care
Hallmark Rehab
Various Hallmark stores

Harvard University (Cambridge, Ma)

Harvard Antiques
Harvard Art & Frame, Inc.
Harvard Chinese Restaurant
Harvard Cleaners
Harvard Design & Mapping
Harvard Do-Nut Shop
Harvard Glass
Harvard Highland Laundromat
Harvard House of Pizza
Harvard Instant Printing
Harvard Manufacturing Services
Harvard Market
Harvard Paint & Wallpaper Company
Harvard Parking Associates
Harvard Pharmacy
Harvard Pinnacle Group
Harvard Scientific

Heritage Bible College (Dunn, NC)

Heritage Concrete

Heritage Bank (22 miles)

Heritage Christian University (Florence, AL)

Heritage Acres RV Park

Heritage Bank (53 miles)

Heritage Business Center

Heritage Child Care Center
Heritage Manor Assisted Living
Heritage Shoppe, The

Heritage College (Denver, CO)

Heritage Bank

Heritage Basement Company
Heritage Beauty Salon
Heritage Builders
Heritage Cards & Gifts
Heritage Chiropractic
Heritage Cleaners
Heritage Club
Heritage Club Mountain View
Heritage Construction
Heritage Dental
Heritage Designsapes
Heritage Die Casting Company
Heritage Eagle Bend Clubhouse2
Heritage Eagle Golf Resort Guardhouse
Heritage Education
Heritage Electric
Heritage Fabrics & Wallcoverings

Heritage Financial

Heritage Floral
Heritage General Agency
Heritage Grill
Heritage Group Incorporated
Heritage Inks International
Heritage Inventory & Appraisal
Heritage Leasing Incorporated
Heritage Outpatient Treatment Services LLC
Heritage Painting
Heritage Plumbing
Heritage Professional pet Grooming Incorporated
Heritage Railroad
Heritage Security
Heritage Signs Incorporated
Heritage Tax Accounting & Computer Consulting
Heritage Tile
Heritage Vacuum Sales & Service
Heritage Vision Clinic and Contact Lens Center
Heritage West Realty
Heritage Wine and Liquor

Heritage College (Kansas City, MO)

Heritage Antiques
Heritage Auction House
Heritage Automotive
Heritage Benefit Consultants
Heritage Chiropractic & Wellness Center LLC
Heritage Computer Consulting & Services Inc.
Heritage Construction Co. Inc.
Heritage Contractors
Heritage Crystal Clean LLC
Heritage Electric

Heritage Environmental Services
Heritage Exterior Design LLC
Heritage Farms
Heritage Financial Services
Heritage Fine Fabrics
Heritage First
Heritage Funeral Home
Heritage Home Health Services
Heritage House Realty
Heritage Jewelers and The Clock Clinic
Heritage Lawns Limited
Heritage Lawn Service
Heritage Mgmt. Corp.
Heritage Music Repair
Heritage One LLC
Heritage Park Limousines
Heritage Physicians Group
Heritage Pizza
Heritage Real Estate & Development
Heritage Trading Co.

Heritage College (Oklahoma City, OK)

Heritage Advisory Group
Heritage Assisted Living
Heritage Burial Park
Heritage Dental Care
Heritage Estates Services LLC
Heritage Eyeglass Managerie
Heritage Family Services
Heritage Feeders L.P.
Heritage Fine Homes Inc.
Heritage Group, The
Heritage Group Agency Inc., The
Heritage Hair Establishment
Heritage Home Health
Heritage Interiors Inc.
Heritage Lanes LLC
Heritage Manor LLC
Heritage Manor Nursing Center
Heritage Ornamental Iron Works Inc.
Heritage Overhead Doors
Heritage Pharmacy
Heritage Place Inc.
Heritage Plan
Heritage Service Group
Heritage Solariums-Tai
Heritage Trust Company
Heritage Wine & Spirits

Heritage College (Fort Myers, FL)

Heritage
Heritage Autobody Incorporated
Heritage Automotive Enterprises Incorporated
Heritage Dental
Heritage Education
Heritage Financial Resources

Heritage Flooring & Systems
Heritage Inspection Service In
Heritage Institute
Heritage Land Company
Heritage Mortgage
Heritage Palm Golf & Country Club
Heritage Propane
Heritage Tax Consulting Service
Heritage Towing & Recovery

Heritage College (Wichita, KS)
Heritage Assisted Living Residence, The
Heritage Family Counseling Center
Heritage Fence & Deck
Heritage Funeral Home
Heritage Home Furnishings
Heritage Hut
Heritage Inn Motel
Heritage Insulation
Heritage Keepers Incorporated
Heritage Mini Storage
Heritage Plaza, The
Heritage Restaurant

Heritage College (Jacksonville, FL)
Heritage III Ltd.

Heritage Bank of North Florida
Heritage Capital Group Incorporated
Heritage Cash Advance
Heritage Crossings
Heritage Design and Construction
Heritage Education
Heritage Financial Group
Heritage Floor Systems
Heritage Home Inspectors
Heritage House Wedding
Heritage Institute
Heritage Old Time Portrait Studio
Heritage Paper Company Inc.
Heritage Promotion Inc
Heritage Propane
Heritage Publishing Incorporated
Heritage Realty & Management
Heritage Realty Group Inc.
Heritage Signs

Heritage College (Falls Church, VA)
Heritage
Heritage Academy & Child Care Centers
Heritage Animal Hospital
Heritage Appraisal Incorporated, The
Heritage Auto Plaza
Heritage Bank
Heritage Builders Inc.
Heritage Building & Renovation
Heritage Café

Heritage Cleaners
Heritage Collections Limited, The
Heritage Contracting LLC
Heritage Day Care Center
Heritage Family Practice Associates PC
Heritage Federal Savings & Loan Assn
Heritage Furniture & Rugs
Heritage Group
Heritage Hair Braiding
Heritage Heating & Cooling
Heritage Historical Prints Incorporated
Heritage Home Improvements Incorporated
Heritage House
Heritage Institute
Heritage International LLC
Heritage Knolls
Heritage Lawns LLC
Heritage Legal Group
Heritage Mgmt
Heritage Mortgage Brokers LLC
Heritage Mortgage & Financial Services
Heritage Plan, The
Heritage Plaza LLC
Heritage Preservation
Heritage Property Company LLC
Heritage Realty Group Incorporated
Heritage Reporting Corporation
Heritage Restorations Carveth
Heritage Salon & Cuts
Heritage Series
Heritage Services
Heritage Technology
Heritage Theatre Company
Heritage Title LLC
Heritage Title & Escrow Company
Heritage Title Services
Heritage Tours Limited
Heritage Treasures
Heritage Trust Mortgage

Heritage College (Manassas, VA)
Heritage Academy & Child Care Centers
Heritage Animal Hospital
Heritage Bank
Heritage Benefits Group
Heritage Cabinet Supply LLC
Heritage Café
Heritage Collections Limited, The
Heritage Contracting LLC
Heritage Crystal Clean
Heritage Day Care Center
Heritage Family Practice Associates PC
Heritage Furniture & Rugs
Heritage Group
Heritage Heating & Cooling
Heritage Home Center

Heritage Home Improvements Incorporated
Heritage Impressions Incorporated
Heritage Institute
Heritage Landscape Services
Heritage Lawns LLC
Heritage Legal Group
Heritage Management
Heritage Mortgage
Heritage Mortgage & Financial Services
Heritage Mortgage Brokers LLC
Heritage Salon & Cuts
Heritage Title LLC
Heritage Title Services
Heritage Treasures
Heritage Village Internal Medicine

Heritage University (Toppenish, WA)
Heritage Brokers Incorporated
Heritage Moultray Real Estate Services

Hill College (Hillsboro, TX)

Hill Bail Bonds
Hill Bar & Grill
Hill Country Bail Bonds
Hill Country Cabinets
Hill Country Realty
Hill Dry Goods
Hill Enterprises
Hill Family Dental
Hill Food Service
Hill Plumbing Services
Hill Regional Hospital

Hope International University (Fullerton, CA) (mostly churches)

Hope Dental
Hope Diabetic Shoe Provider
Hope Elderly Care
Hope Family Dentistry
Hope Fertility and Gynecology
Hope Healthcare Center
Hope Institute, The
Hope International Company
Hope Ivf & Fertility Center
Hope Medical Clinic
Hope Medical Services Corp.
Hope Moving
Hope Painting Co.
Hope Psychology Group
Hope Realty & Associates
Hope Residential Service
Hope Seville Dental
Hope Sportswear
Hope Trust Deed Company Inc., The
Hope Unlimited

Kellogg Community College (Battlecreek, MI)

Kellogg Community Credit Union
Kellogg Company

Key College (Dania Beach, FL)
Key Hole Locksmith Co.
Key Power Systems Inc.
Key Power Technical Institute

King College (Bristol, TN)
King Aircraft Sales
King B Machining & Welding
King Brian Roofing Company
King Buffet
King Business Solutions
King Cleaners
King Collision Repair
King Electrical LLC
King Grocery
King Information Services
King Network Solutions
King of the Road Restaurant
King Pharmaceuticals
King Pharmaceuticals Inc.
King Real Estate Services Inc.
King Tire
King Tut's Grill
King Street

King's College (Charlotte, NC)
King's Barber & Styling Shop
Kings Beauty Supply
Kings Bridgetown Bay Apartments LLC
King's Carpeting
King's Cleaners and Laundrette
Kings Clinic, The
King's Crankshaft
Kings Convenient Mart LLC
Kings Cross Development
King's Dry Cleaners & Shoe Repair
Kings Electrical & Mechanical Systems
Kings Electronic Co Inc.
Kings Food Store
Kings Funeral Home
King's Greenhouse
Kings Grocery
Kings Jewelry
Kings Keep Learning Center
Kings Kleaning
King's Office Supply Inc.
Kings Paint & Body
Kings Place
Kings Plush
Kings Point Marina
Kings Quick Stop
Kings Wiping Cloth Co Inc.

King's College (New York, NY)

King's Carpet Care Inc.
King's Deli
King's Pizza
King's Wok Chinese Restaurant
Kings 3rd Ave Pharmacy
Kings Antiques Corporation
Kings Barber Shop
Kings Broadway
Kings Capital Management Incorporated
Kings Caps Trading Incorporated
Kings Cart USA Incorporated
Kings Choice Neckwear Incorporated
Kings Cleaner II
Kings Copies
Kings Crew
Kings Deli & Salad Bar
Kings Farm Butter & Egg Company
Kings Feature Syndicate
Kings Fine Arts Incorporated
Kings Furniture & Decoration Corporation
Kings Head Tavern
Kings International Company
Kings Jewelry Company
Kings Rockaway Pizza
Kings Rugs Incorporated
Kings Stone Group LLC
Kings Tribeca Pharmacy
Kings Wauy Food Corporation
Kings' Carriage House

King's College (Wilke Barre, PA)

Kings Bar
Kings Den
Kings Pizza
Kings Restaurant

Landmark College (Putney, VT)

Landmark Land Services
Landmark Trust, The

Lane College (Jackson, TN)

Lane-Aire Mfg. Corp
Lane Bryant (designer clothing store)
Lane Express Mart INC
Lane Flooring
Lane Furniture Industries
Lane Gin Company
Lanes Pest Control

Liberty University (Lynchburg, VA)

Liberty Chiropractic
Liberty Consulting
Liberty Home Protection Plans
Liberty Martial Arts
Liberty Medical

Liberty Mutual Group
Liberty Mutual Insurance Company
Liberty Tax Service Corp.

Life University (Marietta, GA)
Life Cleaners
Life Grocery Natural Market & Café
Life Like Inc. Dental Laboratory
Life Of Georgia
Life On Earth
Life Quotes Direct
Life Saver Pool Safety Fence
Life Support Ambulance Service
Life Teen Incorporated
Life Time Fitness
Life Touch
Life Under Pressure Inc.
Life Uniform
Life Watch
Life Well Lived Services Inc.

Manor College (Jenkintown, PA)
Manor Apart, The
Manor Care
Manor Dental Associates
Manor Dental Health Center
Manor Home & Gifts
Manor House At Commonwealth
Manor House Publishing
Manor Mortgage Solutions Incorporated
Manor Personal Care Incorporated

Metropolitan College (Phoenix, AZ)
Metropolitan Air Conditioning & Heating
Metropolitan Apartments, The
Metropolitan Arts Institute
Metropolitan Audio Visual Incorporated
Metropolitan Business Forms
Metropolitan Café & Deli
Metropolitan Fibre Systems
Metropolitan Land Company
Metropolitan Mattress
Metropolitan Property Management
Metropolitan Real Estate
Metropolitan Window Cleaning
1st Metropolitan Mortgage

Metropolitan College (Oklahoma City, OK)
Metropolitan A/C
Metropolitan Management Company
Metropolitan Real Estate

Nova Southeastern University (Ft. Lauderdale, FL)
Nova Animal Hospital
Nova Construction Associates
Nova Consulting, Inc.

Nova Dental, Inc.
Nova Dental Lab, Inc.
Nova Electronics
Nova Industrial Park
Nova Machinery Company
Nova Motor Group
Nova Plumbing, Inc.
Nova Pressure Cleaning & Painting
Nova Tours, Inc.

Occidental College (Los Angeles, CA)
Occidental Entertainment Group Holdings, Inc.
Occidental Liquor
Occidental Studios
Occidental Universal Insurance & Financial Services
Transamerica Occidental Life Insurance Company

Pace Institute (Reading, PA)
Pace Supply Corporation

Pace University (New York, NY)
Pace Accounting & Tax Svces
Pace Advertising Agency Incorporated
Pace Alliance, The
Pace Architects
Pace Auto Body
Pace Auto Parts
Pace Auto Repair Incorporated
Pace Auto Service
Pace Automotive Service Center
Pace Barber Shop
Pace Capital Management
Pace Chiropractic
Pace Collection, The
Pace Contracting Incorporated
Pace Copy Center
Pace Development Group Limited
Pace Distributors
Pace Editions
Pace Electric Incorporated
Pace Electrical Contractors
Pace Elevator Incorporated
Pace Elevator Service
Pace Entertainment
Pace Environmental System
Pace Equipment Corp.
Pace Financial Services Incorporated
Pace Incorporated
Pace Investment
Pace Management Svce Corporation
Pace Ny Contracting Inc
Pace Packaging Corporation
Pace Pest Control
Pace Plumbing & Hardware
Pace Plumbing Corporation
Pace Press Incorporated

Pace Products
Pace Products Solutions
Pace Realty Incorporated
Pace Restoration Enterprises Inc.
Pace Scan Incorporated
Pace Setters Personnel Incorporated
Pace Sewer & Drain Cleaning
Pace Tire & Diagnostic Center
Pace Trading Corporation

Peace College (Raleigh, NC)
Peace Camera

Polytechnic University (Brooklyn, NY)
Polytechnic Computer Training/Repair Services

Sage College (Albany, NY)
Sage Advisors, LLC
Sage CAD Applications
Sage Computer Associates, Inc.
Sage Engineering Associates

Triangle Tech (Sunbury, PA)
Triangle Auto Sales

Triangle Tech (Erie, PA)
Triangle Tool

Triangle Tech (Greensburg, PA)
Triangle Financial Group
Triangle Products
Triangle Tobacco Express

Trinity Baptist College (Jacksonville, FL)
Trinity African Market
Trinity Asset Management LLC
Trinity Automotive Center
Trinity Beauty Salon
Trinity Capital
Trinity Chiropractic Inc.
Trinity Custom Cabinet Doors
Trinity Fabricators Inc.
Trinity Heat & Air Inc.
Trinity Limousine & Transportation
Trinity Materials LLC
Trinity Optimum Chirocare Inc.
Trinity Services Group Inc.
Trinity Tile Group
Trinity Transportation Inc.

Trinity College (Hartford, CT)
Trinity Ambulance Service
Trinity Appraisal & Real Estate Services LLC
Trinity Entertainment LLC
Trinity Farm
Trinity Fine Arts

Trinity Hardwood Floors LLC
Trinity Industries Inc.
Trinity Mini Market
Trinity Package Store
Trinity Printing & Envelope
Trinity Productions Inc.

Trinity College (Washington, D.C.)

Trinity Alliance Group Association Incorporated
Trinity Ambassadors International
Trinity Auto
Trinity Automotive Repair Sale & Service
Trinity Bail Bonds
Trinity Builders Incorporated
Trinity Building Service Incorporated
Trinity Deli
Trinity Discount Travel
Trinity Elevator Corporation
Trinity Financial Services Inc.
Trinity Forum, The
Trinity Glass Company
Trinity Group Construction
Trinity Health Care Services Incorporated
Trinity Homes Customer Service
Trinity Hospice
Trinity II Corp
Trinity Ims Incorporated
Trinity International Incorporated
Trinity International Motors Incorporated
Trinity Medical Supplies & Nursing Services
Trinity Neutraceuticals Ltd
Trinity Partners
Trinity Professional Services LLC
Trinity Protection Services Incorporated
Trinity Realty Group
Trinity Tax Associates
Trinity Technology Group
Trinity Technologies Incorporated
Trinity Telecom Incorporated
Trinity Title S

Trinity International University (Deerfield, IL)

Trinity Child Care Center
Trinity Computer Marketing Limited
Trinity Drapery Service
Trinity Enterprise Incorporated
Trinity Hospice
Trinity Insurance Group
Trinity Memorial Funeral Services
Trinity Music
Trinity Nurses Uniforms Inc.
Trinity Orthopaedics SC
Trinity Realty
Trinity Resources Unlimited
Trinity Technologies
Trinity Universal Center

Trinity International University, South Florida campus (Davie, FL)

Trinity Air Conditioning
Trinity Broadcasting
Trinity Car Autosale
Trinity Chiropractor Inc.
Trinity CMHC
Trinity Contractors & Construction Services
Trinity Dry Cleaners
Trinity Early Childhood Learning Center
Trinity Enterprises
Trinity Entertainment LLC
Trinity Fin Group Inc.
Trinity Financial Resource Services
Trinity Hair Design, The
Trinity Harbor Therapeutic Services Inc.
Trinity Insurance & Accounting Group Inc.
Trinity Insurance Agency
Trinity Investment
Trinity Learning Center
Trinity Lighting Etc.
Trinity Mortgage Corporation
Trinity Mortgage LLC
Trinity Party Rentals
Trinity Realty Inc.
Trinity Salon & Day Spa
Trinity Senior Home Care
Trinity Tax Multi Service Incorporated
Trinity Title Agency
Trinity Transport Systems LLC

Trinity Life Bible College (Sacramento, CA)

Trinity Alps Realty
Trinity CFS
Trinity Fresh
Trinity Health & Wellness Inc.
Trinity Integrated Networks Incorporated
Trinity International Transport LLC
Trinity Mortgage Group
Trinity Motorcycle Towing
Trinity Nails
Trinity Protection Services Inc.
Trinity Technology Group Incorporated
Trinity Thrift Shop
Trinity Wealth Mgmt.
Trinity Woman's Health Care
Trinity Youth Services

Trinity Lutheran College (Issaquah, WA)

Trinity Consultants
Trinity Electric
Trinity Enterprises LLC
Trinity Erd
Trinity Formation Resources
Trinity Gate & Door Company
Trinity Group Home

Trinity Home Care Incorporated
Trinity Life Center
Trinity Nations Lending Group Inc.
Trinity Nightclub
Trinity Partners
Trinity Partnership
Trinity Property Consultants LLC
Trinity Network Solutions
Trinity Nightclub
Trinity Real Estate
Trinity Restaurant
Trinity Salonspa
Trinity Thrift Shop
Trinity Tree Farm

Trinity Lutheran Seminary (Columbus, OH)

Trinity Chiropractic
Trinity Consultants
Trinity Debt Management
Trinity Farm
Trinity Financial Advisors LLC
Trinity Health Group
Trinity Home Builders
Trinity Homes
Trinity Homes Builders Incorporated
Trinity Real Estate Development
Trinity Restoration
Trinity Technicare Center
Trinity Telecommunications
Trinity Tmj Center
Trinity Wireless

Trinity University (San Antonio, TX)

Trinity Air Conditioning & Heating Company
Trinity Beauty Salon
Trinity Billing & Consulting
Trinity Care Center
Trinity Cleaning Services
Trinity Clinical Associates
Trinity Construction
Trinity Convenience Store
Trinity Flowers & Events, LLC
Trinity Flowers & Gifts
Trinity Food Mart 21
Trinity Glass & Aluminum
Trinity Grafx
Trinity Health Partners
Trinity Industries
Trinity Investments
Trinity Lab Supply
Trinity Laboratories
Trinity Medical Supplies
Trinity Millennium Group
Trinity Mineral Management
Trinity Mortgage
Trinity Oaks

Trinity Property Consultants
Trinity Real Estate Finance, Inc.
Trinity Rehabilitation Center
Trinity Roofing
Trinity Services
Trinity Sleep Lab & Diagnostics
Trinity Staffing Services, Inc.
Trinity Tutoring Service
Trinity Universal Insurance A Unitrin Co.
Trinity Ventures
Trinity Vision Center

Union College (Barbourville, KY)

Union 76 Auto Truck Stop

Union National Bank

Union National Bank & Trust

Union Pacific Railroad

Union Planters Bank

Union College (Lincoln, NE)

Union Agency Incorporated

Union Bank

Union Bank & Trust Company

Union Insurance Company

Union Title Company LLC

Union Pacific

Union Pacific Railroad

1st Choice Credit Union

Union College (Schenectady, NY)

Union Aquarium and Pet Supplies Incorporated

Union Bank

Union Carbide Industrial Gases Incorporated Linde Division

Union Counseling Services

Union Foreign Auto Parts Incorporated

Union Inn LLC

Union Pacific Railroad

Union Pizza

Union Switch & Signal Incorporated

Union Theological Seminary and Presbyterian School of Christian Education (Richmond, VA)

Union Finance Corporation

Union Ins Group

Union Latino Market 2

Union Pacific Railroad

Union University (Jackson, TN)

Union Auto Parts

Union Mission

Union National Life Insurance Company

Union Planters Bank

Vanguard University of Southern California (Costa Mesa, CA)

Vanguard Cinema

Vanguard Cinema Inc.

Vanguard Computer
Vanguard Electric
Vanguard Electronics
Vanguard Funding Corp.
Vanguard Home Lending
Vanguard Income Properties Inc.
Vanguard Integrity Professionals
Vanguard Mattress Corp.
Vanguard Mortgage
Vanguard Mortgage & Real Estate
Vanguard Podiatry Group
Vanguard Property Solutions
Vanguard Restaurant Equipment
Vanguard Sailing Center of Southern California
Vanguard Security Systems
Vanguard Solar Systems Inc.

Walden University (Minneapolis, MN)
Walden & Associates Incorporated
Walden Fleet Service

Winner Institute of Arts and Sciences (Transfer, PA)
Winner Advertising
Winner Aviation
Winner Electronics
Winner International Corp.
Winner International Customer Service
Winner Steel Services, Inc.
Winner Transportation Systems

World College (Virginia Beach, VA)
World 1 Hour Cleaners
World Airways
World Champion Taekwondo
World Financial Group World Group Securities Incorporated
World Group Securities Incorporated
World Instructor Training Schools
World Leadership Group
World Management Company
World Mortgage Company
World Office Systems
World Savings
World Wig Fashion

Yale University (New Haven, Connecticut)
Yale Amoco
Yale Auto Body
Yale Bowl Wines & Spirits
Yale Comfort Shoe
Yale Motor Works
Yale Surgical Company, Inc.
Yale Termite and Pest Elimination Corporation

**LIST OF FORTUNE 500 BUSINESSES OR OTHER BUSINESSES OF NATIONAL RENOWN
SHARING COMMON NAME WITH COLLEGES OR UNIVERSITIES**

Asbury College (KY)

Asbury Automotive Group (www.asburyauto.com)

Fortune 500 Ranking: 391

Annual Revenues: \$5.8 Billion

Campbell University (NC)

Campbell Soup (www.campbellsoupcompany.com)

Fortune 500 Ranking: 311

Annual Revenues: \$7.7 Billion

Capital University (OH)

Capital One Financial (www.capitalone.com)

Fortune 500 Ranking: 154

Annual Revenues: \$15.0 Billion

Century College (MN)

Century 21 Real Estate (www.century213.com)

Charter College (AK)

Charter Communications (www.charter.com)

Fortune 500 Ranking: 509

Annual Revenues: \$5.6 Billion

Columbia University (NY)

Columbia Tri Star Motion Picture Group (www.sonypictures.com)

Consolidated School of Business (PA)

Consolidated Edison (www.conedison.com)

Fortune 500 Ranking: 204

Annual Revenues: \$12.0 Billion

Converse College (Spartanburg, SC):

Converse Shoes & Apparel (www.converse.com)

Crown College (MN)

Crown Holdings (www.crowncorp.com)

Fortune 500 Ranking: 328

Annual Revenues: \$7.0 Billion

Dean College (MA)

Dean Institute of Technology (PA)

Dean Foods (www.deanfoods.com)

Fortune 500 Ranking: 246

Annual Revenues: \$10.3 Billion

Delta College (University Center, MI)

Delta Airlines (www.delta.com)

Fortune 500 Ranking: 136

Annual Revenues: \$17.0 Billion

Dillard University (LA)

Dillards (www.dillards.com)

EXHIBIT "C"

Fortune 500 Ranking: 307
Annual Revenues: \$7.8 Billion

Duke University (NC)
Duke Energy (www.duke-energy.com)
Fortune 500 Ranking: 143
Annual Revenues: \$16.0 Billion

Edison College (FL)
Edison International (www.edison.com)
Fortune 500 Ranking: 192
Annual Revenues: \$12.6 Billion

Emerson College (MA)
Emerson Electric (www.gotoemerson.com)

Franklin University (OH)
Franklin College of Indiana (IN)
Franklin Resources (Franklin Templeton Investments) (www.franklintempleton.com)
Fortune 500 Ranking: 445
Annual Revenues: \$5.0 Billion

Frontier School of Midwifery & Nursing (KY)
Frontier Oil (www.frontieroil.com)
Fortune 500 Ranking: 462
Annual Revenues: \$4.7 Billion

Hallmark Institute of Technology (San Antonio, TX):
Hallmark Cards, Inc. (www.hallmark.com)

Kellogg Community College (Battlecreek, MI)
Kellogg Company (www.kelloggcompany.com)
Fortune 500 Ranking: 232
Annual Revenues: \$10.9 Billion

Key College (FL)
Key Corp. (Key Bank) (www.key.com)
Fortune 500 Ranking: 319
Annual Revenues: \$7.5 Billion

Liberty University (VA)
Liberty Mutual (www.libertymutual.com)
Fortune 500 Ranking: 95
Annual Revenues: \$23.0 Billion

Lincoln College (IL)
Lincoln University (CA)
Lincoln University (MO)
Lincoln University (PA)
Lincoln National (www.lfg.com)
Fortune 500 Ranking: 277
Annual Revenues: \$9.0 Billion

Occidental College (CA)
Occidental Petroleum (www.oxy.com)
Fortune 500 Ranking: 124

Annual Revenues: \$19.0 Billion

Peabody Institute of John Hopkins University (MD)

Peabody Energy (www.peabodyenergy.com)

Fortune 500 Ranking: 431

Annual Revenues: \$5.2 Billion

Shaw University (NC)

The Shaw Group (www.shawgrp.com)

Fortune 500 Ranking: 464

Annual Revenues: \$4.7 Billion

Union College (KY)

Union College (NE)

Union College (NY)

Union University (TN)

Union Theological Seminary (NY)

Union Institute & University (OH)

Union Pacific (www.up.com)

Fortune 500 Ranking: 151

Annual Revenues: \$15.5 Billion

Vanguard University of Southern California (Costa Mesa, CA)

The Vanguard Group (www.vanguard.com)

Williams College (MA)

The Williams Companies (www.williams.com)

Fortune 500 Ranking: 211

Annual Revenues: \$11.8 Billion

Yale University (New Haven, CN):

Yale Lock Company (www.yalelock.com)

Sources: 2006 Higher Education Directory

FortuneonCCMoney.com

(www.money.cnn.com/magazines/fortune/fortune500/2007/full_list/index.html)